

Chapter 82
REFUSE COLLECTION AND DISPOSAL

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 6-6-1966 by Ord. No. 171. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 51.	Junkyards, property maintenance and littering — See Ch. 60.
Grass, weeds and other vegetation — See Ch. 54.	Solid waste — See Ch. 93.
Handbills and posters — See Ch. 57.	

§ 82-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ASHES — The residue from the burning of wood, coal, coke or other combustible materials.

GARBAGE — The animal, fruit and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and the residue from fruit trees located on the premises. It shall not include more than a minimum amount of free liquids. It shall not include food-processing wastes from industries, such as canneries or packing plants, nor large quantities of condemned food products.

PERSON — A natural person, and also a firm, copartnership, association, school, church, institution or corporation which would be deemed a business establishment.

REFUSE — Garbage, ashes, rubbish and ruffraff, as herein defined.

RIFFRAFF — All waste material which is too large for collection in a twenty-one-gallon container. Examples include Christmas trees, furniture, tanks, stoves, large dead animals, tree trimmings, etc.

RUBBISH — All waste material, other than ashes or garbage, which can be collected in a twenty-one-gallon container, such as paper, rags, street sweepings, small dead animals, excelsior, straw, boxes, old clothes and shoes, leather scraps, pieces of carpet, grass, hedge trimmings, cloth, glass, china, wood, sand, brick, tile, etc.

§ 82-2. Collection and disposal by borough; exception.

All refuse accumulated in the Borough of Pennsburg from residences and businesses shall be collected, conveyed and disposed of by the Borough of Pennsburg; provided, however, that the Borough Council may require any person or persons owning or occupying any premises whose accumulated refuse at each time of collection is in excess of three twenty-one-gallon containers or their equivalent by weight or volume, each container to have a maximum weight limitation of not more than 50 pounds per twenty-one-gallon container, to personally collect, convey and dispose of such refuse in accordance with all regulations for collection, conveyance and disposal prescribed in this chapter or made by Borough Council.

§ 82-3. Contract for performance of service.

Borough Council is hereby authorized to contract for the performance of the service provided by this chapter and to award a contract therefor from time to time for such period of time as shall be determined by Borough Council, which contract shall require the contractor to assume all responsibility for the collection of refuse in the Borough of Pennsburg in accordance with the provisions of this chapter and regulations, orders and specifications provided under the authority thereof, and to convey, dump and dispose of all such refuse beyond and outside the boundaries of the Borough of Pennsburg and to fix and regulate, in a manner not inconsistent with the terms of this chapter, the manner, method and time of collecting and conveying refuse, the type of equipment required for the purpose and the price to be paid for the performance of said contract and the time or times for the payment thereof.

§ 82-3.1. Cost of collection; fees. [Added 12-20-1980 by Ord. No. 5-80]

The cost of the service for collection of refuse under this chapter, as affixed from time to time by the Borough Council of the Borough of Pennsburg as hereinafter provided, shall be borne and paid by the owner of the premises within said borough for which refuse is collected or upon which said refuse is accumulated and disposed of, and the person producing refuse or responsible for the existence or disposal thereof or for whom such refuse is removed, if such person shall not be the owner, shall be jointly and severally liable with the owner for the payment of said costs.

§ 82-3.2. Fees, penalties, discounts and delinquents. [Added 12-20-1980 by Ord. No. 5-80; amended 12-19-1984 by Ord. No. 1-84; 12-21-1989 by Ord. No. 10-89; 2-5-1990 by Ord. No. 1-90]

- A. The fees for the collection or disposal of refuse and penalties for late payment shall be determined each year by resolution of the Borough Council of the Borough of Pennsburg; public notice of the fee schedule shall thereupon be made.
- B. All bills for the collection and disposal of refuse shall be rendered annually and shall thereupon be immediately due and payable. All bills shall be payable to the Borough Secretary. Payments representing collection costs for January through December shall be subject to a per-dwelling-unit penalty if not paid on or before March 1. Accounts not paid within 60 days of March 1 shall be referred to the Borough Solicitor with instructions to proceed for the collection of such unpaid charges, together with all penalties thereon, and the same shall be collected by an action of assumpsit in the name of the borough against the owner of the property charged or by a lien filed in the nature of a municipal lien against the subject property or in any other manner provided by the law for the collection of a municipal lien. [Amended 2-4-1991 by Ord. No. 2-91]

§ 82-3.3. Annual fees for apartments. [Added 12-20-1980 by Ord. No. 5-80]

The fees for the collection and disposal of refuse collected from an apartment, apartments or apartment complexes shall be assessed in the amount of the annual rate against each individual apartment dwelling unit.

§ 82-3.4. Severability. [Added 12-20-1980 by Ord. No. 5-80]

It is the intention of the Borough Council of the Borough of Pennsburg that each separate provision of this chapter shall be independent of all other provisions herein, and it is further the intention of said Council that, if any of the provisions of this chapter be declared to be invalid, all of the other provisions hereof shall remain valid and in force.

§ 82-3.5. Repealer. [Added 12-20-1980 by Ord. No. 5-80]

All ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed, and all other sections of Chapter 82 of the Code of the Borough of Pennsburg are hereby reaffirmed.

§ 82-4. Supervision of collection and disposal.

The collection and disposal of refuse in the Borough of Pennsburg shall be under the supervision of the Borough Council. The Council shall have authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection and disposal as it may deem advisable, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof. An aggrieved person shall have the right to appeal against any regulations or

order made by the Borough Council to the Borough Council, which may confirm, modify or revoke any such regulation or order; provided, however, that no such appeal to Borough Council shall be permitted as to any regulation covered by this chapter.

§ 82-4.1. Containers for collection. [Added 2-4-1991 by Ord. No. 2-91]

Every family or household at whose premises refuse is collected or removed shall use a clear plastic thirty-three-gallon bag, which shall be provided by the Borough of Pennsburg. Under this exclusive bag removal system, only refuse deposited in the aforesaid bag will be accepted by the trash collector. These bags can be purchased at the Pennsburg Municipal Building, Sixth and Dotts Streets; Meridian Bank, 405 Main Street; and Faraday's Health Foods Store, 840 Main Street, Penns Court at the cost of \$1 per bag. Trash and refuse that is placed in other type bags and containers will not be accepted by the trash collector.

§ 82-5. Collection schedules. [Amended 2-4-1991 by Ord. No. 2-91]

The Borough Council is authorized to arrange daily schedules for collection of refuse at the various categories and sections of the borough and shall give public notice thereof. Such schedules shall provide for one collection for each and every week throughout the year. No collections shall be made on Sundays or the following holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas. All collections shall be made between the hours of 5:00 a.m. and 6:00 p.m., provided that collections may be made after 6:00 p.m. to complete a day's schedule.

§ 82-6. Use of municipal service required.

All persons within the Borough of Pennsburg, other than those excluded under § 82-2, shall dispose of refuse by the municipal collection service only, and no person shall transport or dispose of refuse by any means not approved by this chapter or by the Borough Council.

§ 82-7. Refuse collected outside borough; vehicle regulations; prohibited disposal.

The Borough Council is authorized to make regulations concerning the hauling of refuse collected outside of the Borough of Pennsburg over the streets of the Borough of Pennsburg. No refuse shall be hauled over the streets of the Borough of Pennsburg except in a watertight vehicle provided with a tight cover so as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled therefrom. No refuse shall be dumped or disposed of within the limits of the Borough of Pennsburg.

§ 82-8. Ownership of refuse vested in borough.

Ownership of refuse set out for collection shall be vested in the Borough of Pennsburg.

§ 82-9. Unlawful acts.

On and after the date of the award of a contract for collection service pursuant to the authority contained in § 82-3 hereof:

- A. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Pennsburg or dispose of any refuse accumulated in said borough in any manner not approved of in this chapter or subsequent regulations.
- B. It shall be unlawful for any person to place any refuse in any street, alley or other public place or upon private property, whether owned by such person or not, within the borough, except it be in proper receptacles for collection. No person shall throw or deposit any refuse in any stream or other body of water.
- C. It shall be unlawful for any person to allow any accumulation of refuse on any premises in the Borough of Pennsburg other than for the purpose of collection in the manner provided by this chapter or by special regulation of Borough Council. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulation of refuse within 15 days of notice to either the occupant or owner shall be deemed a violation of this chapter.
- D. It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored or the collector, to remove the covers of any of the refuse receptacles or to remove the refuse stored in such containers.
- E. It shall be unlawful to place in any containers provided for regular collection any wearing apparel, bedding or refuse from premises where highly infectious or contagious diseases have prevailed, or any highly flammable or explosive refuse.
- F. It shall be unlawful for any person to burn any refuse within the borough excepting normal refuse accumulated from outdoor picnic and charcoal grilling, and in cases of undue hardship as determined by the Borough Council, burning of refuse will be permitted by means of inside incineration. There shall, however, be a fee in the amount of \$25 for a borough permit authorizing inside incineration within the terms of this chapter. Additionally, burning will be permitted when controlled and authorized by Borough Council and when it is under the supervision and direction of the local fire company.
[Amended 11-7-1966 by Ord. No. 171]

§ 82-10. Violations and penalties. [Amended 4-4-1977 by Ord. No. 2-77]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$300 and costs of such proceedings or, upon default in payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.