

ORDINANCE NO. 1053

AN ORDINANCE relating to sanitation and the promotion of public health and safety; providing for the establishment of a municipal collection and disposal service for all garbage, rubbish and ashes accumulated in the Borough of Donora; making Regulations for the collection and disposal of all such garbage, rubbish and ashes and for the maintenance of sanitary conditions on public and private premises within the Borough and authorizing the Borough Street Commissioner to make additional Regulations relating thereto; providing for the imposition and collection by the Borough of fees for collection and disposal of such garbage, rubbish and ashes, and providing penalties for violation of this ordinance and such Regulations.

The Borough of Donora hereby ordains as follows:

SECTION 1. DEFINITIONS. The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

- (a) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food-processing wastes from canneries, packing plants, or similar industries, nor large quantities of condemned food products.
- (b) "Ashes" means the residue from the burning of wood, coal, coke and other combustible materials for the purposes of heating and cooking. It shall not include the cinders produced in steam generating plants.
- (c) "Rubbish" means all waste materials not included in garbage and ashes except building rubbish from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles or such other waste materials as are not commonly produced in homes, stores, and institutions.
- (d) "Refuse" means garbage, ashes and rubbish as herein defined.
- (e) "Person" means a natural person, firm, co-partnership, association, or corporation.

SECTION 2. ADMINISTRATION. (a) Except as otherwise provided herein, all refuse accumulated in the Borough of Donora shall be collected, conveyed and disposed of by the Borough, and the cost of such service shall be paid for as provided in the Schedule of Fees set forth in Section 5 hereof by the person producing the refuse, or responsible for the existence of disposal thereof, or for whom such refuse is removed. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough, or dispose of, any refuse accumulated in the Borough, provided, however, that this Ordinance shall not prohibit hotels, restaurants, commercial establishments and such other businesses and institutions from personally collecting, conveying and disposing of such refuse, or contracting with refuse collectors licensed by the Borough for the collecting, conveying and disposing of such refuse, if such hotels, restaurants, commercial establishments, and such other businesses and institutions comply with all Regulations for collection, conveyance and disposal prescribed in this Ordinance.

(b) The collection and disposal of refuse in the Borough of Donora shall be under the supervision of the Borough Street Commissioner. He 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 he 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. In those instances where the Borough through its Street Commissioner shall agree to collect, convey and dispose of refuse accumulated by hotels, restaurants, commercial establishments and such other businesses and institutions, the Street Commissioner shall fix the price for such service; but in the event of a dispute of proper charges therefore, the same shall be submitted to Borough Council, which shall fix and determine the proper and just rate.

(c) Ownership of refuse material set out for collection and all material placed on the Borough Dump shall be vested in the Borough of Donora.

SECTION 3. PRECOLLECTION PRACTICES.

(a) Preparation of Refuse

- 1. All garbage and rubbish before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.
- 2. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.
- 3. Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four (4) feet and securely tied in bundles not more than two feet thick before being deposited for collection.

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(b) Refuse Containers.

1. (a) Garbage receptacles shall be made of metal, must be water-tight, and be provided with a tight-fitting cover.
 - (b) No person shall use for the reception of garbage any receptacle having the capacity of more than twenty gallons.
 - (c) All garbage receptacles shall be kept as sanitary as possible in view of the use to which they are put, and shall be thoroughly cleansed by the occupant after garbage is removed by the collector.
2. Ash receptacles shall be of metal and have a capacity of not more than twenty gallons.
 3. Rubbish receptacles shall be of a suitable kind, which can be easily handled by one man.
 4. (a) All refuse receptacles shall be provided by the owner, tenant, lessee, or occupant of the premises.
 - (b) All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. Failure to comply may result in refusal to collect or the removal of the defective receptacle as refuse.

(c) Storing of Refuse.

1. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the Borough except it be in proper receptacles for collection or under an express approval granted by the Borough Council. No person shall throw or deposit any refuse in any stream or other body of water.
2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after the effective date of this ordinance shall be deemed a violation of this ordinance.

(d) Points of Collection.

Refuse receptacles shall be placed for collection at the rear property lines of properties accessible by rear alleys and at the curb in case of properties not thereby accessible. No refuse shall be placed for collection at the curb earlier than eight o'clock of the evening prior to a scheduled collection date.

SECTION 4. COLLECTION PRACTICES.

(a) Frequency of Collection.

1. Refuse shall be collected at least once each week.
2. Hotels, restaurants, commercial establishments and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Borough Street Commissioner may require that more frequent collections be made.

(b) Limitation on Quantity.

1. It is the intent of the ordinance that the reasonable accumulation of refuse of each family for the collection period will be collected for the standard charge. The Borough Street Commissioner may refuse to collect unreasonable amounts of may make an additional charge for such amounts.
2. It is the intent of this ordinance that in those instances where the Borough agrees to collect refuse from restaurants, hotels, commercial establishments, and other businesses and institutions, reasonable accumulations of refuse for the collection period shall be collected at a fair charge fixed as aforesaid and based upon the average weight or volume. The Borough Street Commissioner may refuse to collect unreasonable amounts or make an additional charge for such amounts.

(c) Special Refuse Problems.

1. Contagious Disease Refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the Borough Street Commissioner or State Health Officer. Such refuse shall not be placed in containers for regular collections.
2. Inflammable or Explosive Refuse. Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Borough Street Commissioner at the expense of the owner or possessor thereof.

SECTION 5. FEES.

(a) The fees for the collection and disposal of refuse placed for collection at the curb of the street or at the side of the alley from which collection is made shall be as follows:

1. If paid annually, in advance, for the collection and disposal of refuse from a single family Fifteen Dollars (\$15.00) per year for garbage, rubbish and ashes; or Thirteen Dollars (\$13.00) per year for garbage and rubbish. If paid monthly for the collection and disposal of refuse from a single family \$1.35 per month for garbage, rubbish and ashes; or \$1.25 per month per family for garbage and rubbish.
2. For hotels, restaurants, commercial establishments and other businesses and institutions collected by the Borough the fees shall be based upon the average amount of refuse material and the frequency of collection, and shall be fixed by the Borough Street Commissioner subject to the right of appeal to the Borough Council.

(b) Where the collection of refuse from other than ground level or from more than twenty (20) feet from the side of the street or alley is accepted by the Borough Street Commissioner, the fee shall be that of subsection (a) 1. above plus a fee set by the Borough Street Commissioner, subject to appeal to Borough Council, which shall be deemed by him to cover the cost for the extra service rendered.

(c) All accounts shall be considered delinquent if not paid by the fifteenth of the month for which service is rendered. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty (30) days, the Borough Street Commissioner shall cease all refuse collection for that account unless Borough Council specifically directs otherwise. Service shall be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of non-collection plus one dollar unless Borough Council specifically directs otherwise. The stoppage of services hereinbefore authorized for non-payment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by an action in assumpsit or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

(d) The fees to be charged hotels, restaurants, commercial establishments and other businesses and institutions for the privilege of using the Borough dump and the amount to be charged refuse collectors for licenses for the collection of refuse shall be fixed by the Borough Street Commissioner subject to the right of appeal to the Borough Council.

SECTION 6. Refuse Disposal. No person shall dispose of any refuse in the Borough of Donora except by conveyance to the Borough Dump, such dump to be located in a place to be designated from time to time by the Borough Council.

SECTION 7. PENALTY FOR VIOLATION. Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this ordinance or any regulation made by Council or the Borough Street Commissioner under the provisions hereof shall, upon conviction thereof, pay a fine of not less than Five Dollars (\$5.00) or more than Twenty-five Dollars (\$25.00) and in default of the payment of such fine and costs of prosecution, shall be imprisoned in the County Jail for a period of not more than ten (10) days. After notice, each day's neglect to comply with the provisions of this ordinance or any such regulation shall be deemed a separate offense and be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first conviction.

SECTION 8. SEVERABILITY. It is the intention of Council that each separate provision of this ordinance shall be independent of all other provisions herein and it is further the intention of Council that if any of the provisions of this ordinance be declared to be invalid all of the other provisions hereof shall remain valid and in force.

SECTION 9. Any ordinance or part of ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ENACTED this 21st day of December, A. D. 1965.

ATTEST:

/s/ THOMAS E. PETRUS
Borough Secretary

/s/ JAMES W. STEWART
President of Council

APPROVED by me on this 21st day of December, A. D. 1965.

ATTEST:

/s/ THOMAS E. PETRUS
Borough Secretary

/s/ ALBERT P. DELSANDRO
Mayor