

## CHAPTER 19

### SOLID WASTE

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#### §1. Short Title.

This ordinance<sup>1</sup> shall be known and may be cited as the Municipal Garbage and/or Refuse Collection Service Ordinance of the Bloomfield Borough.<sup>2</sup> (Ord. 1971-7, July 6, 1971, §1)

#### §2. Definitions.

The following words and terms, as used in this ordinance<sup>3</sup> shall have the meanings hereby ascribed hereto, unless the context clearly indicates a different meaning:

“Garbage” shall mean all table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

“Refuse” shall mean all discarded articles or materials, except sewage, liquid waste and garbage, and including ashes and combustible and noncombustible waste.

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<sup>1</sup>. Sections 1 to 17 of this chapter.

<sup>2</sup>. Section 7 of this ordinance repealed Ord. 1965-9, and all other inconsistent ordinances and parts of ordinances.

<sup>3</sup>. Sections 1 to 17 of this chapter.

“Person” shall mean any natural person, association, partnership, firm or corporation.

“Ashes” shall mean the residue from the burning of wood, coal, coke, or other combustible materials.

“Commercial” shall mean the use of a premises other than as an improved property.

“Improved property” shall mean any property used for residential purposes upon which there is erected a structure or structures intended for continuous or periodical habitation, occupancy or use by human beings or animals and from which property garbage and/or refuse shall be generated.

“Dwelling unit” shall mean one or more rooms in an improved property arranged for occupancy by any person or family.

“Borough” shall mean the Borough of Bloomfield, Perry County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania.

“Council” shall mean the group of elected officials acting as the governing body of the Borough. (Ord.1971-7, July 6, 1971, §2)

### **§3. Authorized Methods of Garbage and/or Refuse Collection.**

All garbage and/or refuse produced in the Borough of Bloomfield shall be collected, transported and disposed of by the Borough or its agents, servants, employees or contractors hired for that purpose and not by any other person. (Ord. 1971-7, July 6, 1971, §3)

### **§4. Council in Charge of Collection, Transportation and Disposal.**

The Borough Council shall have charge of the collection, transportation and disposal of all garbage and/or refuse within the Borough. In addition to any other power herein<sup>4</sup> conferred upon it, it shall have the authority to make rules and regulations governing the day of collection, type and location of refuse containers and such other matters pertaining to the collection, transportation and disposal of garbage and/or refuse as it deems necessary, provided that such rules and regulations are not contrary to law or to the provisions of this ordinance. Ord. 1971-7, July 6, 1971, §4)

### **§5. Pre-collection Practices.**

The following pre-collection practices shall be followed:

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<sup>4</sup> In this ordinance, Sections 1 to 17 of this chapter.

A. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this ordinance<sup>5</sup> 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. The Borough Council shall have the authority to refuse collection services for failure to comply herewith,

B. Garbage and/or refuse containers shall be equipped with suitable handles and tight-fitting covers and shall weigh not more than 75 pounds.

C. Containers may be of metal construction or plastic construction and shall include plastic bags manufactured for disposal purposes.

D. Combustible and noncombustible refuse may be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise while awaiting collection.

(Ord. 1971-7, July 6, 1971, §5)

#### **§6. Burning of Combustible Waste.**

Combustible waste may be burned during the period between one hour after sunrise and one hour before sunset, if proper incinerators or containers are used; however, combustible wastes shall not be burned within 15 feet of any building or structures not of masonry construction, nor shall garbage be disposed of within the limits of the Borough by burning. All incinerators or containers used in the burning of combustible waste shall be covered and attended at all times. (Ord.1971-7, July 6, 1971, §6)

#### **§7. Collection Practices.**

Collection practices shall be as follows:

A. Garbage and/or refuse produced in dwelling units shall be collected on a day certain that would be agreeable to contractor and the Borough with any dispute between the parties resolved in favor of the Borough. Should the collection day fall on a legal holiday, collection shall be made on the following day. Should highway conditions be such that collection on the regular collection day cannot be accomplished, collection shall be made on the first day thereafter that the highways are passable. Said garbage and/or refuse shall be placed in containers as hereinabove provided<sup>6</sup> and shall be placed on the curb line of each street or the property line adjoining each alley along the established route. Any change in route will be publicized by Council by notice advertised in the Perry County Times. [Ord. 233]

B. Garbage and/or refuse produced in commercial establishments shall be collected as the need arises by arrangements between the commercial establishment and the Borough Council or its agents, servants, employees or contractors.

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<sup>5</sup> Sections 1 to 17 of this chapter.

<sup>6</sup> See Section 5 of this chapter.

C. Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Mayor at the expense of the owner or possessor thereof.

D. The Borough may, if in its discretion, it is necessary and not inconsistent with the intent of this ordinance,<sup>7</sup> issue a special permit authorizing the actual producer of refuse or the owner of the premises upon which it is accumulated to collect, transport and dispose of such refuse.

E. All collection of garbage and/or refuse within the Borough of Bloomfield, whether from dwelling units or commercial establishments, shall be prohibited between the hours of 6:00 p.m. and 6:00 a.m., prevailing time. [Ord. 217]

F. No person shall place garbage, trash, or ashes for collection more than twenty-four hours prior to the time of collection of said garbage, trash, or ashes.

(Ord. 1971-7, July 6, 1971, §7; as amended by Ord. 212, July 7, 1988, §1; as amended by Ord. 233, 3/4/2003, §1; and as amended by Ord. 279, July 7, 2009, §1)

### **§8. Payment and Collection of Charges from Residential Owners.**

Annual garbage and/or refuse charges as hereinafter established shall be imposed upon and shall be collected from the owner of each improved property located within the Borough in which garbage and/or refuse is generated. Such charges shall commence and shall be effective on July 1, 1971, and shall be payable quarterly as hereinafter provided. Each dwelling unit located on one improved property or in one building shall be billed and considered as a separate unit irrespective of the fact that each such dwelling unit on such improved property or in such building shall be owned by the same person. Garbage and/or refuse charges for any dwelling unit shall be at a flat rate per year as fixed by Borough Council annually using as a basis the bid price contained in the then current contract for collection of garbage and/or refuse for ultimate disposal. Said flat rate per year shall be payable at the rate of one-fourth (1/4) of said flat rate per quarter, provided, nevertheless, that no garbage and/or refuse charges shall be imposed upon nor shall be collected for a dwelling unit from which no garbage and/or refuse shall be generated at any time during the year, if an affidavit under oath is filed to that effect with the Borough Secretary. (Ord. 1071-7, July 6, 1971, §8; as amended by Ord. 136, December 30, 1975, §1; and by Ord. 151, September 7, 1982, §1)

### **§9. Payment of Charges by Commercial Establishments.**

Garbage and/or refuse charges payable by commercial establishments shall be established between the Borough, or its agents, servants, employees or contractors hired for that purpose and the commercial establishment on the basis of quantity and frequency of collection. (Ord. 1971-7, July 6, 1971, §9)

### **§10. Billing of Dwelling Units; Due Dates; Penalty for Late Payment.**

Bills with respect to dwelling units shall be rendered each calendar quarter on the first days of October, January, April and July of each year for services rendered during the preceding quarter-annum. All bills shall be due and payable without penalty on the day after mailing or delivery by or on behalf of the Borough to the person responsible for

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<sup>7</sup> Sections 1 to 17 of this chapter.

payment thereof. If quarterly bills shall not be paid within fifteen (15) days after such shall become due and payable, a penalty of ten percent (10%) shall be added. Payments mailed and postmarked on or before such 15th day shall be deemed to be payments within the period allowed for payment without penalty. If such 15th day shall be a legal holiday or a Sunday, payments made on or mailed and postmarked on the next succeeding business day not a holiday shall be deemed to be payments within the period allowed for payment without penalty. Every owner of improved property shall provide the Borough with and thereafter shall keep the Borough advised of his correct address. Failure of any person to receive bills for garbage and/or refuse charges shall not be considered an excuse for nonpayment nor shall such a failure result in an extension of the period of time during which such bills shall be payable without penalty. (Ord. 1971-7, July 6, 1971, §10)

**§11. Billing of Commercial Establishments Subject to Agreement.**

All bills with respect to commercial establishments shall be rendered as agreed to between the Borough, or its agents, servants, employees or contractors hired for that purpose and the commercial establishment.

A. Sealed bids will be received by the Bloomfield Borough Council for the letting of an exclusive contract for the collection of garbage and/or refuse originating within the Borough limits prior to the end of any calendar year. All bids shall indicate the monthly cost per dwelling unit and shall be for a period of three (3) years, with the Borough Council having the option during the first and second years of the bid period of giving ninety (90) days written notice to the successful bidder prior to the end of the first and second calendar years of the intent to cancel the contract in which event the matter shall be rebid as previously provided. [Ord. 206]

(Ord. 1071-7, July 6, 1971, §11; as amended by Ord. 151, September 7, 1982, §2; by Ord. 152, November 2, 1982, §1; and by Ord. 206, December 3, 1996, §1)

**§12. Unlawful Deposit of Garbage; Tampering with Receptacles Prohibited.**

No person shall deposit garbage and/or refuse or cause garbage and/or refuse to be deposited in any street, alley or other public place or in any stream or body of water or upon private property whether owned by such person or not within the Borough except it be in proper receptacles for collection, nor shall any person molest, collect, transport through the streets or interfere with receptacles containing garbage and/or refuse designated for collection by the Borough Council, its agents, servants, employees or contractor's hired for that purpose or to those persons to whom the Borough Council has granted specific permits therefor. (Ord. 1971-7, July 6, 1971, §12)

**§13. Vehicle Requirements.**

Any vehicle transporting or collecting garbage and/or refuse over the streets, alleys and thoroughfares of the Borough shall be provided with a cover and so operated as to prevent dirt, debris, garbage and/or refuse from being scattered, spilled, dropped or blown therefrom. It shall be unlawful to scatter, spill, dump or drop or permit to be scattered, spilled, dumped or dropped any dirt, debris, garbage and/or refuse upon the streets, alleys and thoroughfares of the Borough whether from a vehicle or otherwise.

(Ord. 1971-7, July 6, 1971, §13)

#### **§14. Liens.**

The garbage and/or refuse charges hereby imposed<sup>8</sup> by this ordinance shall be a lien on the improved property from date such charges become due and payable. All charges hereby imposed, which shall not be paid after fifteen (15) days as provided in Section 10 of this ordinance<sup>9</sup> shall be entered as a lien against the improved property concerned, which lien shall be filed in the office of the Prothonotary of the Court of Common Pleas of the 41st Judicial District of Pennsylvania, Perry County Branch, in the manner provided by law for the filing of the municipal claims. In addition to such municipal lien, the Borough shall have the authority to collect any and all delinquent bills in any manner permitted and authorized by law including an action of assumpsit. (Ord. 1971-7, July 6, 1971, §14)

#### **§15. Rules and Regulations Authorized.**

The Borough reserves the right to adopt and, from time to time, this Borough may adopt such additional rules and regulations as it shall deem necessary and proper, which rules and regulations shall be construed as a part of this ordinance.<sup>10</sup>

#### **§16. Severability.**

In the event any provision, section, sentence, clause or part of this ordinance<sup>11</sup> shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of the Borough that such remainder shall be and shall remain, in full force and effect. (Ord. 1971-7, July 6, 1971, §16)

#### **§17. Penalty for Violation.**

Any person, firm, or corporation who or which shall violate any provision of this ordinance,<sup>12</sup> except for Section 13 hereof,<sup>13</sup> shall, upon conviction thereof, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Any person who shall operate a vehicle in violation of Section 13 of this ordinance shall, upon summary conviction before a Magistrate, be sentenced to pay a fine of five hundred dollars (\$500.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than five (5) days, as provided in The Vehicle Code. (Ord. 1971-7, July 6, 1971, §18; as amended by Ord. 115, July 8, 1975, §1; and by Ord. 212, July 7, 1998, §2)

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<sup>8</sup> By this ordinance, Sections 1 to 17 of this chapter; see especially Section 8.

<sup>9</sup> Section 10 of this chapter.

<sup>10</sup> Sections 1 to 17 of this chapter.

<sup>11</sup> Sections 1 to 17 of this chapter.

<sup>12</sup> Sections 1 to 17 of this chapter.

<sup>13</sup> Section 13 of this chapter.