

ORDINANCE NO. 2009-2

AN ORDINANCE OF THE BOROUGH OF THREE SPRINGS DEFINING AND REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND PREPARATION THEREOF; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Borough Council hereby ordains.

**Section 1. Intent and Purpose**

All domestic, commercial and industrial refuse accumulated or stored upon any property within the Borough of Three Springs shall be collected and removed by a responsible person or contractor and shall be disposed of in accordance with the Solid Waste Management Act and the Municipal Waste Planning, Recycling and Waste Reduction Act and this ordinance.

**Section 2. Definitions**

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning appears from the context:

ASHES – Residue from the burning of coal, coke or other combustible material.

DISPOSAL – Storage, collection, disposal or handling of garbage, rubbish or waste.

CONTRACTOR – An individual or firm who collects and transports municipal solid waste, recycled materials or other waste as defined by this ordinance.

DWELLING – Place of residence within the Borough of Three Springs of one or more persons where refuse is generated through normal living habits. It shall include apartments and buildings devoted to multiple-family occupancy.

GARBAGE – Means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

OCCUPANT – A person occupying and dwelling, business or other facility whether or not the legal owner.

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Borough of Three Springs or otherwise having control of the property, including the guardian, executor or administrator of the estate of the owner.

PERSON – Any natural person, association, partnership, firm or corporation.

**MUNICIPAL SOLID WASTE (MSW)** – Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities; and any sludge not meeting the definition of residual or hazardous waste from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

**RECYCLING** – The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as MSW.

**REFUSE** – All waste, except human body wastes, including garbage, ashes and rubbish.

**RUBBISH** – Glass, metal, paper, plant growth, or non-putrescible solid waste.

**WASTE** – A material whose original purpose has been completed and which is directed to a disposal facility or is otherwise disposed. The term includes municipal waste, but does not include source-separated recyclable materials or material approved by the Department for beneficial use under Section 271.232 (relating to beneficial use).

In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

### **Section 3. Prohibited**

No waste shall be allowed to accumulate on private or public property or be deposited on the ground, highways, vacant lots, in buildings or other property or be thrown in any stream or other body of water.

### **Section 4. Disposal**

The occupants of a structure shall dispose of all waste in a clean and sanitary manner by placing such waste in approved containers.

### **Section 5. Service Mandatory**

Every owner shall contract with an individual, entity or firm to have waste generated on the premises removed and properly disposed or dispose of refuse in a legal manner by hauling to a permitted landfill or waste hauler. Whenever requested by the Borough of Three Springs, the owner shall present proof that the dwelling, business or facility has a current contract with a contractor to collect and dispose of waste generated by the occupant. The owner shall have 72 hours to provide proof to the Borough of Three Springs that he has a current contract for waste collection and disposal.

## **Section 6. Point of Collection**

The contractor shall pick up all refuse on the property, from a location arranged between the contractor and customer.

## **Section 7. Cost**

The cost of weekly garbage collection shall be determined by agreement between the contractor and customer.

## **Section 8. Hours of Operation**

The contractor shall be permitted to collect, remove or transport refuse on all days of the week, except Sunday and the following holidays: New Year's Day; Thanksgiving Day, and Christmas Day.

## **Section 9. Equipment of Contractor**

The contractor shall be required to collect and remove refuse in motor-driven vehicle having enclosed steel bodies with steel covers and watertight and leak proof automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse to assure general cleanliness and sanitation throughout the entire process and operation thereof.

The contractor shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him, and to furnish, at his own cost, all vehicles, machinery and equipment necessary for the proper performance of such contract. Collection and transportation equipment shall meet the requirements of the Pennsylvania Waste Transportation Safety Act (Act 90) if applicable.

## **Section 10. Spills**

No contractor engaged in removing or disposing of refuse shall cause any waste, of any kind, to be scattered or spilled on any streets, highways, walkways, alleys, or driveways within the Borough. Any spills caused by any hauler, recycler or individual shall be cleaned up by the violator or the Borough may cause any spill to be cleaned up and impose the costs upon the violator at fault.

## **Section 11. Disposal**

Pursuant to the County Solid Waste Plan, all refuse generated in the Borough shall be collected and delivered to the facilities designated by the County for processing and disposal.

## **Section 12 Contractor as an Independent Contractor**

The contractor shall not in any manner be construed as an agent, servant or employee of the Borough of Three Springs, but shall at all times be considered and remain an independent contractor.

## **Section 13 Duties of Contractors**

It shall be the duty of all contractors to be in compliance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), Waste Transportation Safety Act (Act 90) and other applicable laws. Any contractor shall be required to cooperate with the Borough of Three Springs in providing information in the event that an action is instituted to enforce the terms of this ordinance.

## **Section 14 Compost Piles**

Notwithstanding the terms of this article, compost piles kept by occupants or tenants of structure shall not violate the terms and conditions of this article, provided that the materials in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the materials from the compost piles around the premises.

## **Section 15 Penalties**

Any person, firm or corporation who shall violate any provision of the Ordinance shall, upon conviction thereof; be sentenced to pay a fine of not less than twenty five dollars (\$25) nor more than six hundred dollars (\$600), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

## **Section 16 Repealer**

All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

## **Section 17 Severability**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Three Springs that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 18    Effective Date**

This ordinance shall become effective on the date of adoption by Three Springs Borough Council.

ORDAINED AND ENACTED into law, this 2nd day of February, 2009.

Harold G. Walker  
President of Council

Attest:

Julia A. Court  
Secretary

APPROVED this, 2nd day of February, 2009