

ORDINANCE NO. 75-2

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE BOROUGH OF EAST PROSPECT, YORK COUNTY, PENNSYLVANIA, BY REGULATING STORAGE PRACTICES, MANNER OF COLLECTION, AND METHODS OF DISPOSAL OF REFUSE: REQUIRING THAT ALL REFUSE COLLECTORS BE LICENSED: REQUIRING THAT ALL COLLECTORS DISPOSE OF REFUSE AS HEREIN DESCRIBED: AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED by the Council of the Borough, of East Prospect, York County, Pennsylvania, and it is hereby ordained by the Authority of the same that:

SECTION I. Short Title.

This ordinance shall be known as the "Refuse Ordinance."

SECTION II. Definitions.

- A. The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.
- B. The term "ashes" shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
- C. The term "rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.
- D. The term "refuse" shall mean all solid wastes except body wastes and shall include garbage, ashes, and rubbish.
- E. The term "disposal" shall include the storage, collection, disposal, or handling of refuse.
- F. The term "person" shall include any natural person, association, partnership, firm, or corporation.
- G. The term "bulky rubbish" shall include discarded furniture, large household appliances such as refrigerators, washing machines, bathtubs, sinks, and commodes.
- H. Other: The singular shall include the plural, and the masculine shall include the feminine and the neuter.

SECTION III. Preparation of Refuse and Storage Practices.

REFUSE PREPARATION

A. Garbage shall be drained and stored in durable, rust resisting, nonabsorbent, watertight, easily washable containers, equipped with handles and tight fitting covers.

B. Ashes shall be stored in fire resistant containers equipped with handles and tight fitting covers. Ashes containing hot embers shall not be collected until they have been adequately quenched.

C. Rubbish shall be stored in durable containers with tight fitting covers. Tree trimmings, hedge clippings, old newspapers and similar materials, which cannot be conveniently placed in the aforementioned containers shall be baled, tied or sacked in compact bundles less than three (3) feet in length and placed in a location easily accessible to the collector.

D. Bulky rubbish shall not be allowed to accumulate on any premise except in containers which are approved by the Borough Council in accordance with the specifications contained in this ordinance.

E. No person shall place refuse in any street, alley or other public place, or upon any private property within the limits of East Prospect Borough, unless it is placed in a proper refuse container for collection. Likewise, no person shall throw or deposit refuse in any stream or any other body of water.

F. 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 three days after the effective date of this ordinance shall be deemed a violation of same.

G. Certain materials, such as scrap lumber and fire wood, may be stored and kept on the premises, but they shall be stored so that a minimum clear space of twelve (12) inches above the ground surface is provided.

REFUSE STORAGE

All refuse storage shall conform to the following standards:

A. General

1. All refuse receptacles shall be provided by the owner, tenant or occupant of the premises, unless otherwise specified.

2. The storage of all refuse by residents of the Borough of East Prospect, York County, Pennsylvania, shall be practiced so as to prevent the attraction, harborage or breeding of

insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

3. A sufficient number of containers necessary to meet the intent of Paragraph 2 shall be provided to contain all waste materials generated between regularly scheduled collections.

B. Individual Containers

1. Individual containers utilized for the storage of refuse at household and other premises shall have the following physical characteristics.

- a. Constructed in such manner as to be easily handled for collection.
 - (1) Not greater than 15 gallons capacity for garbage storage.
 - (2) Not greater than 32 gallons capacity for combined refuse storage.
- b. Constructed of rust and corrosion resistant materials.
- c. Be equipped with tight-fitting lids.
- d. Constructed in such manner as to be watertight, leak-proof, weatherproof, insect-proof and rodent-proof.
- e. Shall not exceed fifty (50) pounds in weight when filled.

2. Methods of use of individual containers.

- a. Containers shall not be filled to the point where the lid will not fit properly.
- b. The area around the container(s) shall be kept clean.

C. Disposable Containers

1. Disposable containers such as paper and polyethylene bags shall be acceptable for storage of refuse provided the following conditions are met:

- a. Only those bags specially designed for storage and collection shall be used.
- b. Bags are protected against precipitation, animal damage and overloading to prevent littering or attracting of vectors.

c. Bags have holding strength capable of withstanding stresses until they are collected.

d. Bag opening is securely closed prior to setting out of collection.

D. Bulk Containers

Bulk containers for commercial, industrial, and institutional refuse shall meet the General and Individual Container Requirements previously set forth except for size limitations. Bulk containers shall be sized according to the type and quantity of waste production, equipment handling capabilities, and the frequency of collection.

E. Open Storage

1. Certain wastes of a non-decomposable nature may be stored temporarily in a manner other than containerization.

a. In order to minimize littering, magazines, newspapers, waste paper, tree prunings, brush and yard trimmings, when stored outside of containers, shall be tied securely in bundles of such size as to be readily handled by the collection system.

b. Tires and out-sized wastes such as furniture and appliances shall be stored so that water accumulation and rodent harborage are prevented.

SECTION IV. Collection Practices.

PLACE OF COLLECTION

A. For collection purposes, except where there is an agreement with the collector to the contrary, refuse containers shall be placed at ground level, on the property, not within the cartway of a street or alley and easily accessible from the side of the street or alley from which collection is made.

SECTION V. Licensing of Refuse Collectors.

A. Only a person licensed by East Prospect Borough, York County, Pennsylvania, may collect refuse within the territorial limits of East Prospect Borough.

B. An authorized collector is one who has entered into a contract with or has been granted a license by East Prospect Borough, York County, Pennsylvania, for the specific purpose of collecting and disposing of refuse.

C. The fee for such license shall be Ten Dollars (\$10.00) per year, or fraction thereof, and all licenses shall be issued by the Borough Council.

D. No licensed collector shall dispose of any refuse collected in East Prospect Borough, York County, Pennsylvania, except by conveyance to a place of disposal operating under

permit from the Pennsylvania Department of Environment Resources. Contractor shall state in writing the name, location, and type of facility that he will use for disposal.

E. Failure of a licensed collector to comply with the provisions of this ordinance shall result in the revocation of his license.

SECTION VI. Collection Vehicles.

A. Except for the collection of bulky rubbish as designated in Section IV, B-2 of this Ordinance, all vehicles used for the collection of refuse shall have watertight enclosed metal bodies of easily cleanable construction, equipped with compaction devices.

SECTION VII. Disposal of Refuse.

A. No person shall hereafter dispose of any refuse collected in East Prospect Borough, York County, Pennsylvania, except by conveyance to a disposal facility approved by the Pennsylvania Department of Environmental Resources.

SECTION VIII. Refuse Collection and Disposal Fees.

The Borough of East Prospect, in order to provide refuse collection and disposal services, will collect the sum of Six Dollars and Fifty Cents (\$6.50) per quarter for each household as a refuse tax.

SECTION IX. Penalties.

A. Any person who shall violate any provision of this ordinance shall upon conviction, be sentenced to pay a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), or in default of payment of such fine, then to imprisonment for not more than ten days.

B. Each days continuance of a violation of this ordinance shall constitute a separate offense.

C. The Contractor collecting refuse in the Refuse Collection Districts agrees that the Borough Treasurer shall be authorized to deduct from payments due or to become due the Contractor, the following amounts for each offense as a penalty.

1. For not collecting garbage, offal, or ashes and rubbish, as agreed: One Dollar (\$1.00) per can.
2. For over-loading trucks or using leaky or filthy trucks: Five Dollars (\$5.00).
3. For failure to collect on day specified: Twenty Dollars (\$20.00).
4. For damage to disposal cans by reason of rough handling by Contractor's employees: Fifty Cents (\$0.50) per can.

5. For wilfully destroying disposal cans without owner's consent: Three Dollars (\$3.00) per can.

6. For unauthorized change in scheduled route: Ten Dollars (\$10.00) per day.

The above penalties are to be so withheld if a violation here stated is proved to the satisfaction of the Borough Council.

SECTION X. Conflict of Ordinances, Effect on Partial Invalidity.

A. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Borough of East Prospect existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

B. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are hereby declared to be severable.

The above and foregoing Ordinance, having been processed in accordance with the law, is hereby subscribed this 4th day of February, 1975.