

**BOROUGH OF NORTH EAST
ORDINANCE NO. 901**

**AN ORDINANCE AMENDING AND RESTATING
ORDINANCE NOS. 826, 833, 836, AND 859 PROHIBITING THE
ACCUMULATION OF GARBAGE AND HOUSEHOLD REFUSE;
REGULATING THE COLLECTION AND DISPOSAL
OF GARBAGE AND HOUSEHOLD REFUSE; AND
IMPOSING CHARGES FOR COLLECTION THEREOF
AND PROVIDING PENALTIES FOR
THE VIOLATION OF THIS ORDINANCE**

PREAMBLE

WHEREAS, the Borough of North East has enacted Ordinance Nos. 826, 833, 836, and 859 and various other Ordinances concerning the accumulation, collection, and disposal of garbage and household refuse, as well as charges for the collection thereof and penalties for violation of such Ordinances;

WHEREAS, the Borough of North East desires to amend and restate all such Ordinances into a single Ordinance herein;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY the corporate authorities of the Borough of North East, County of Erie, and Commonwealth of Pennsylvania and it is hereby enacted by the authority of the same as follows:

Section 1 -Definitions: In the interpretation of this Section, the present tense includes the future; the singular number includes the plural and the plural includes the singular; and the word person includes natural person, property owner, company, trust, individual, partnership, firm, association, corporation, or entity of any kind. The following terms shall have the definitions assigned:

- 1.1 Garbage- the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include sanitary sewage or industrial waste.
- 1.2 Household Refuse – containers commonly abandoned from household, such as cereal boxes, soup cans, glass jars or bottles, milk cartons, grocery cartons, plastic bottles, paper bags, etc.
- 1.3 Person – a natural person, firm, co-partnership, association, or corporation.

- 1.4 Construction Refuse – material resulting from construction activities such as building and remodeling of residential dwellings and commercial structures.
- 1.5 Unacceptable Solid Waste – including but not limited to automobile and truck tires and automobile and truck batteries, or any toxic or hazardous material or any other material determined to be unacceptable by resolution of the Borough Council from time to time.

Section 2 – Storage of Refuse: No person shall keep or suffer to remain upon the premises thereof any garbage/household refuse except as herein provided. Pending disposal as hereby authorized, garbage/ household refuse are to be stored in covered, approved containers only in such limited quantities and for such limited period of time as shall insure that no annoyance, nuisance or health hazard shall be created or maintained thereby.

Section 3 – Collectors: No person except the Borough of North East or approved contractors shall collect garbage/household refuse within the Borough from any person for disposal.

Section 4 – Placement on Curb: No garbage/household refuse, whether or not in containers, shall be placed at the curb for collection earlier than 6:00 p.m., on the day prior to the next scheduled collection; except that during the months of November, December, January and February, garbage/household refuse, whether or not in containers, shall be placed at the curb for collection no earlier than 4:00 p.m., on the day prior to the next scheduled collection.

Section 5 - Preparation

- 5.1 Garbage/household refuse containers shall be kept sanitary and thoroughly cleaned as is reasonably necessary. Each person shall be responsible for the policing of his own garbage/household refuse should it become scattered due to wind, animals, rodents or other causes.
- 5.2 Garbage/household refuse containers shall be water tight, of metal or plastic construction, and provided with a fitted cover or contain sealed plastic bags.
- 5.3 Garbage/household refuse containers shall have a capacity of not greater than 35 gallons.

- 5.4 Garbage/household refuse shall be free of all liquids and wrapped before being placed in the container, other than an electric garbage disposal which discharges into the sanitary sewer system.
- 5.5 Garbage/household refuse containers shall be maintained in good condition free of any defects liable to hamper or injure the collector.
- 5.6 Garbage/household refuse containers shall be stored beyond view from the street or streets adjoining the premises.
- 5.7 Garbage/household refuse containers shall have a capacity no greater than can be controlled by one man.
- 5.8 Construction refuse shall be placed and kept in a dumpster provided by the Borough or approved contractor.
- 5.9 No unacceptable solid waste shall be placed for collection.
- 5.10 All garbage/household refuse must originate from the property in which it is being collected. No outside garbage/household refuse will be collected.

Section 6 – Collection:

- 6.1 Collections of garbage/household refuse from homes shall be made weekly.
- 6.2 Collections of garbage/household refuse shall be made between the hours of 7:00 a.m. and 4:00 p.m., except in emergency situations.
- 6.3 Collections shall be made from the curb of the street fronting the premises.
- 6.4 Unacceptable solid waste which is identified by the Borough as such prior to collection may, at the Borough's option, be refused in which event it shall be removed from the curb by the party seeking to dispose of the waste by 6:30 p.m., which party shall thereafter dispose of the waste at the party's expense in accordance with applicable laws and regulations.

Section 7 – Rates: The rates of charge for collection and disposal of garbage/household refuse either by collection of the garbage/household refuse at the curb or by means of disposal unit discharging into the sanitary sewer system of the Borough or by combination thereof, and for collection and disposal of garbage/household refuse shall be as follows:

- 7.1 A single family dwelling - \$60.00/ Quarter (Payable as billed)
- 7.2 A multiple family dwelling - \$60.00/ Quarter/ dwelling unit (Payable as billed)
- 7.3 A commercial activity which is any activity producing garbage/household refuse in excess of that normally produced by either of the above two categories and/or is for commercial purposes, shall pay \$81.00/Quarter. Contractors and other parties requesting intermittent service shall be charged a flat rate for each placement and removal of a dumpster as determined by the resolution of the Borough Council from time to time.
- 7.4 Dumpsters provided to residential or commercial customers will be billed based upon placement and/or removal and dumping of each size dumpster. The fees per dumpster differentiation are listed as below and may be modified from time to time by resolution of the Borough Council.
- 4 Cubic Yard Dumpster- \$110.00/Removal and/or dumping
 - 6 Cubic Yard Dumpster - \$160.00/Removal and/or dumping
- 7.5 Additional charges for unacceptable solid waste.
- In addition to any charges provided herein, additional charges may be assessed for the disposal of unacceptable solid waste which the Borough accepts. Said charges shall be equal to the total of any and all costs incurred by the Borough to dispose of said items and shall be due and payable from the party who placed the unacceptable solid waste for collection.
- 7.6 In the event the Borough, by reason of the failure of any party to pay the rates and additional charges provided for hereinabove files suit or liens meaning to collect same, the costs of said suit and/or liens, including attorney fees, shall be payable in addition to the rate and additional charges.
- 7.7 All rates and additional charges are payable by the owner of the premises at which the service is provided whether the material placed for collection is placed by the owner(s) thereof or tenant(s) of the owner.
- 7.8 All garbage/household refuse customers must be the owner of the property by recorded deed in order to open, maintain or close a garbage/household refuse billing account. Tenants of single or multi-unit dwellings shall not have separate accounts with the

Borough but rather must make payments to their landlord for their portion of the quarterly garbage/household refuse bill.

- 7.9 Persons who place materials for collection at premises of which they are neither the owner nor a tenant of the owner shall be responsible for the payment of the rates and additional charges provided hereunder.

Section 8 – Penalties, Interest and Collection Costs:

- 8.1 Garbage/household refuse customers who fail to pay charges within thirty (30) days of the billing date, therefore, as set forth in the garbage/household refuse bill, shall thereafter be subject to:
- 8.1.1 A ten (10%) percent annual penalty or two and one half (2.50%) percent per quarterly billing cycle; and
 - 8.1.2 Termination of garbage/household refuse service pursuant to state law; and
 - 8.1.3 All other remedies available to the Borough
- 8.2 Garbage/household refuse customers for whom a lien is filed shall thereafter pay interest at the rate of fifteen (15%) percent per annum upon the unpaid balance of any such lien from the date of said liens filing.
- 8.3 Quarterly payments for garbage/household refuse shall be due and payable by the last day of the first month following after the end of the calendar quarter for which the billing is issued. Monthly payments for garbage/household refuse shall be due and payable by the last day of the month following the month for which the bill is issued.
- 8.4 Any person who shall violate any of the provisions of this Ordinance, except those imposing a charge for periodic services or special items shall, upon conviction thereof, be sentenced to pay a fine of \$50.00 if the person is the owner or a tenant of the owner at which the material is placed for collection. A person who places material for collection at premises at which he is neither the owner nor the tenant of the owner shall thereby commit a violation of the within Ordinance for which the penalties shall be a fine of \$250.00 per occurrence per item.

Section 9 – Termination of Water Service for Failure to Pay Garbage Rate: Garbage/household refuse customers shall be subject to termination

of water service by reason of the failure to pay garbage/household refuse rate as established by this Ordinance of the Borough in accordance with the laws of the Commonwealth of Pennsylvania.

Section 10 – Severability: The provisions of this Ordinance are severable; and if any of its provisions shall be held invalid, the same shall not affect or impair the remaining provisions, which would have been enacted had such invalid provisions not been included herein

Section 11 – Effective Date: The within Ordinance shall take effect during the fourth (4th) quarter billing cycle of 2018.

ENACTED INTO AN ORDINANCE THIS 2nd DAY OF April 2018

BOROUGH OF NORTH EAST

David Hall, President of Borough Council

ATTEST:

Patrick J. Gehrlein, Borough Manager

Steven L. Gregory, Mayor