

**ORDINANCE NO. 836**  
**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**

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

**§20.201. DEFINITIONS.**

The following words when used in this Part shall have the meanings ascribed to them in this Section except in those instances where the context clearly indicates otherwise.

**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.

**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.

**PERSON** – a natural person, firm, co-partnership, association, or corporation.

**CONSTRUCTION REFUSE** – material resulting from construction activities such as building and remodeling of residential dwellings and commercial structures.

**SPECIAL ITEMS** – appliances weighing more than five pounds; refrigeration equipment, including but not limited to refrigerators, freezers, and air conditioning equipment, and such other items as may be designated special items by resolution of the Borough Council from time to time.

**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. Solid waste which is not a special item as defined above and which is not subject to disposal at the landfill accepting Borough solid waste at the then prevailing regular rate is unacceptable.

**§20-202. STORAGE OF REFUSE.**

No person shall keep or suffer to remain upon the premises thereof any garbage or household refuse except as herein provided. Pending disposal as hereby authorized, garbage and 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.

**§20-203. COLLECTORS.**

No person except the Borough of North East or approved contractors shall collect garbage or household refuse within the Borough from any person for disposal.

**§20-204. PLACEMENT ON CURB.**

No garbage container or refuse container shall be placed at the curb for collection prior to 6:00 p.m. on the day prior to the scheduled pick up or collection.

**§20-205. PREPARATION.**

1. Garbage containers shall be kept sanitary and thoroughly cleaned as is reasonably necessary. Each person shall be responsible for the policing of his own garbage or refuse should it become scattered due to wind, animals, rodents, or other causes.
2. Garbage containers shall be water tight or metal or plastic construction and provided with a fitted cover or plastic bags.
3. Garbage containers shall have a capacity of not greater than 32 gallons.
4. Garbage shall be free of all liquids and wrapped before being placed in the container, other than an electrical garbage disposal which discharges into the sanitary sewer system.
5. Garbage and household refuse containers shall be maintained in good condition free of any defects liable to hamper or injure the collector.
6. Garbage and household refuse containers shall be stored beyond view from the street or streets adjoining the premises.
7. Household refuse containers shall have a capacity no greater than can be controlled by one man.
8. Construction refuse shall be placed and kept in a dumpster provided by the Borough.
9. No unacceptable solid waste shall be placed for collection.

**§20-206. COLLECTION.**

1. Collections of garbage and household refuse from homes shall be made weekly.
2. Collections of garbage shall be made between the hours of 6 a.m. and 6 p.m., except in emergency situations.
3. Collections shall be made from the curb of the street fronting the premises.
4. Unacceptable solid waste which is identified by the Borough as such prior to collection may, at the Borough's option, be refused in 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.

**§20-207. RATES.**

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

1. A single family dwelling - \$180.00 per year. (Payable as billed.)
2. A multiple family dwelling - \$180.00 per year, per unit. (Payable as billed.)
3. A commercial activity which is any activity producing garbage or refuse in excess of that normally produced by either of the above two categories and/or is for commercial purposes, shall pay \$20.00 per month.

Contractors and other parties requesting intermittent service shall be charged a flat rate of \$75.00 for each placement and removal of a dumpster.

4. Additional charges for special items:

In addition to the periodic rates of charge prescribed above, additional charges may be assessed for the disposal of special items as defined hereinabove in accordance with the schedule of fees established therefore, from time to time by resolution of the Borough Council. Special items will be accepted by the Borough for collection if and only if said items are placed for collection by a person subject to the payment of periodic rates of charge as described above and said items are affixed with refuse stickers issued by the Borough identifying the items and the address of the person disposing of the items. The Borough may, in accordance with the special item fee schedule, issue special refuse stickers to persons paying the periodic rates of charge described above to permit the disposal of a limited number of special items without additional charge. Special item refuse stickers are not transferable and may be used only by the person to whom the special refuse sticker is issued.

5. Additional charges for unacceptable solid waste.

In addition to any charges provided for 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.

6. In the event that the Borough, by reason of the failure of any party to pay the rates and additional charges provided for hereinabove finds 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. 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.

8. 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.

**§20-208. PENALTIES.**

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.

**§ 21-209. SEVERABILITY.**

The provisions of this Ordinance are severable and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of North East, that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had been included therein.

**§20-210. REPEALER.**

None.

**§20-211.** The within Ordinance shall be effective immediately. The numbering system conforms to that established for codification purposes.

**ENACTED INTO AN ORDINANCE this 6<sup>th</sup> day of March, 2006.**

**BOROUGH OF NORTH EAST**

**BY: Ray Snair (Signed)  
RAY SNAIR, II  
President, Borough Council**

**ATTEST:**

**Mark Proper (Signed)  
MARK PROPER  
Borough Manager**

**APPROVED THIS 6<sup>th</sup> DAY OF MARCH 2006.**

**Noreen Tuttle (Signed)  
NOREEN TUTTLE  
Mayor**