

DRAFT

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INFORMATION**

**STEWARTSTOWN BOROUGH
YORK COUNTY, PENNSYLVANIA**

Ordinance No. 2005 - 07

**AN ORDINANCE PROHIBITING THE ACCUMULATION OF GARBAGE, RUBBISH
AND REFUSE, REGULATING THE DISPOSAL OF GARBAGE, RUBBISH AND
REFUSE, THE MANNER OF DISPOSAL, THE FEES, FINES ASSOCIATED WITH
PROVIDING OF THE SERVICE AND ACTIONS FOR UNPAID FEES AND FINES FOR
SERVICES.**

WHEREAS, Borough Council desires to provide for the health safety and welfare of the residents of Stewartstown Borough by regulating the disposal of garbage, rubbish and refuse and implementing the fees and fines associated therewith;

WHEREAS, Borough Council has adopted Ordinance Nos. 1961-003, 1975-002, 1990-006, 1991-001, 1999-002, 1998-004 and 2000-001 which regulate the disposal of garbage, rubbish and refuse and implement the fines associated therewith; and

WHEREAS, the Borough desires to combine and implement one single Ordinance to replace Ordinance Nos. 1961-003, 1975-002, 1990-006, 1991-001, 1999-002, 1998-004 and 2000-001.

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Borough Council of Stewartstown, York County, Pennsylvania, under the authority of law as follows:

Section 1: Definitions: As used in this Ordinance, the following terms have the meaning indicated, unless a different meaning clearly appears from the context.

Borough – The word Borough shall refer to the Borough of Stewartstown which is located in York County, Pennsylvania.

Dwelling Unit - This includes a building, group of buildings or buildings with multiple tenants that can share a single physical building (single family home), duplex unit (two homes sharing a common wall and property line) with each considered a separate dwelling unit for purposes of this Ordinance. Multi-tenant buildings would include apartments located within a single building/residence. Each apartment is considered a separate dwelling unit.

Garbage – The animal and vegetable wastes resulting from the handling, preparation, cooking, serving and consumption of foods. This is typically putrescible items.

Person – Any natural person, firm, partnership, association or corporation and other legal entities.

Rubbish – Solid wastes that are combustible or noncombustible, tin cans, glass, paper, cardboard, wood (must fit in bag/can) ashes and all other inorganic refuse that are not putrescible items.

Refuse - Shall mean items not specifically included as Garbage or Rubbish.

This includes but is not limited to the following:

- Old Tires (off the rims)
- Broken windows, window panes
- Doors, damaged doors, broken doors
- Empty paint cans
- Broken toys
- Broken appliances
- Rusted toys/appliances or other rusted objects that could be a hazard
- Broken ladders
- Dry rotted wood, boards
- Metal Swings sets that are rusted, rusting or no longer in use.
- Wooden Fence posts, Wire Fences
- Tree trimmings, bush trimmings, plant trimmings
- Plastic containers that are left open and able to trap water (see West Nile Virus Ordinance)
- Old or Empty Swimming Pools (violation during summer months May through September). Covered Pools must be drained to prevent mosquitoes on a regular basis.

Sidewalk – Includes paved pathways that are parallel to the street, behind the curb line or berm/shoulder and which are intended for the public use by pedestrians. This also includes any sidewalks/pathways that are intended for the public use by pedestrians but may not be parallel to a street or curb.

Street – Includes the entire width of the cartway, berm and shoulder of the publicly maintained street or road. This includes any part or all of a street that is opened for use of the public for purposes of vehicular traffic.

Tenant/Occupant – Any person, firm, partnership, association or corporation and other legal entity that is renting or leasing or has use of a property/building or lot of land.

Trash – Shall collectively refer to Garbage, Rubbish and Refuse.

Section 2: Accumulation and Disposal:

- (a) No Person shall hereafter accumulate or allow to be accumulated any Trash upon public or private property within the Borough for longer than (7) seven calendar days.
- (b) No Person shall hereafter dispose of any Trash upon public or private property within the Borough except the same will be collected and disposed of by an authorized collector as defined in this Ordinance.

Section 3: Collection Practices.

- (a) All Trash receptacles, for collection purposes, shall be placed at ground level on the property, not within the right-of-way of any Street or alley from which collection is made, except where the collector has agreed to collect directly off of a basement or porch.
- (b) Trash shall be collected at least once weekly, but can be up to (2) two times per week at the discretion of Borough Council. One collection may also include a special recycling collection. The collection times, frequency and type of collection may be modified by council by resolution as necessary.
- (c) Trash cans, recyclable containers and trash bags may not be stored within (5) feet of the Street side of the curb, along any Street. On any Streets or alley with no curbing, the distance is (5) feet from the cartway.
- (d) No Trash, recyclable containers or any other container may be placed on the Sidewalk, curb, near the cartway or along the public Street or alley right-of-way until 12:00 p.m. (noon) prevailing time on the day before a day of collection. All Trash, recyclables and containers must be removed from the sidewalk, curb, along the public Street, or alley right-of-way no later than 12:00 (am) on the day immediately following a day of collection. Any Trash, recyclables, or containers, located within 5 feet of the Street edge of the curb, or on a Street or alley without curb (within 5 feet of the cartway) shall be deemed to be in violation of this Ordinance.

Section 4: Violations and Penalties.

- (a). Violation of Section 3 of this Ordinance shall constitute a summary criminal offense and upon conviction shall be punishable by a fine of \$50.00 plus the costs of prosecution, including reasonable attorneys' fees, and in addition, a default thereof shall be punishable by imprisonment in the County Prison for a period of not more than (30) thirty days.
- (b). Exemption. Any Owner, Occupant or Tenant who shall be cited for a violation of this Ordinance and who shall pay a fee in the amount of twenty (\$20) dollars within 7

days after the time of notice either in person or may place payment (check/money order) enclosed within the envelope provided in the overnight drop box installed along the alley side entrance of the municipal building and he/she will not be subject to further prosecution, fines or costs associated therewith.

- (c). Each (24) twenty-four hour period that any Trash, receptacles, recyclables and any containers remain in violation of Section 3 shall be considered a distinct and separate violation, and will be punishable as same.
- (d). Duty to Serve Notice. It shall be the duty of the Borough's police force, mayor, zoning officer and/or its staff, designated Borough office staff, agents and/or any other authorized enforcement personnel investigating any violation of this Ordinance to deliver to the Owner, Tenant or Occupant a violation notice in the following manner:
 - 1. Personally Hand Delivered.
 - 2. Affixed to the property in violation.

Section 5: Refuse Collectors and Collection Vehicles:

- (a) No Person except an authorized collector shall collect Garbage, Refuse or Rubbish from another Person for conveyance through the Borough nor shall any Person except such authorized collector haul any Garbage, Refuse or Rubbish for any other Person from any point within the Borough to any place or locations out of the Borough limits.
- (b) An authorized collector is one who entered into a contract with the Borough for the specific purpose of collecting and disposing of Garbage, Refuse or Rubbish.
- (c) No Person shall permit any unlicensed or unauthorized collector to take any Trash from premises occupied or owned by him.
- (d) Violation and Penalty. Violation of Section 5 of this Ordinance shall constitute a summary criminal offense and upon conviction shall be punishable by a fine of \$50.00 plus the costs of prosecution, including reasonable attorneys' fees, and in addition, a default thereof shall be punishable by imprisonment in the County Prison for a period of not more than (30) thirty days.

Section 6: Charges, Fees, Interest, Penalties:

- (a) The Borough will charge and collect a quarterly fee from each property Owner in the Borough for the collection and disposal of Garbage, Refuse and Rubbish. The fees are due regardless of whether the property is vacant, occupied or un-occupied.
- (b) Quarterly fees for Garbage, Refuse and Rubbish shall be billed for the 1st calendar quarter on or about March 1st, 2nd Quarter on or about June 1st, 3rd quarter on or about

September 1st and the last quarter on or about December 1st. Whether or not the bills are received by the property Owner, the charges are due as of the beginning of the billing cycle. If the Garbage/Refuse fee is not paid in full within (30) calendar days after the billing date, regardless of whether the Owner actually received the bill, an additional sum of (5%) five percent of the amount due shall be added to such bill. If the Garbage/Refuse fee or other charges are not paid in full within (60) sixty calendar days of the billing cycle, whether or not the bill was received by the Owner, an additional sum of one (1%) percent of the bill shall be added for each (30) calendar day period that the bill remains unpaid. Full payments made or mailed and postmarked on the last day of such (30) day calendar period shall constitute payment within such period. If the end of the such (30) calendar day period shall fall on a legal holiday, or Sunday, payment made or mailed and postmarked on the next succeeding business day, which is not a legal holiday shall constitute payment within such period.

- (c) When Garbage/Refuse fees remain unpaid for a period of (60) days or more after the initial billing period, whether or not the bill was received by the Owner, the Borough may take additional measures to affect payment. These measures may include the institution of litigation, the filing of municipal liens or both. Should legal action be taken, the Owner shall be responsible for the Borough's attorney's fees and costs pursuant to the Borough's fee resolution, as amended from time to time, along with all unpaid amounts, which shall be and remain as a valid lien against the Owner's property until paid in full.
- (d) Each property Owner shall be charged for each business or family occupying the premises at the rates and terms as established by council from time to time and set by resolution.
- (e) Apartment building Owners will be invoiced a single Garbage/Refuse bill for each potential Dwelling Unit that is in the apartment or multi-tenant dwelling regardless of whether such Dwelling Unit is occupied.
- (f) Payment shall be made to the Borough or the agent designated on the invoice.
- (g) The Borough is authorized to make any rules and regulations pursuant to carrying out the provisions of this Ordinance. The rules and regulations may be amended by resolution as necessary.

Section 7: Enforcement: The Mayor of Stewartstown and the Borough's Police Force, Zoning Enforcement Officer or their authorized employees or agents are hereby authorized to enforce the provisions of this Ordinance on behalf of the Borough.

Section 8: Repealer: All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

Section 9: 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 Stewartstown Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein

Section 10: Effective Date: This Ordinance shall become effective five (5) days after enactment.

Enacted and ordained this _____ day of _____, 2005

Attest:

Secretary

President of Council

Approved this _____ day of _____, 2005

Mayor