

ORDINANCE NO. 2010-3

AN ORDINANCE OF THE BOROUGH OF DEFINING AND REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE; REGULATING THE POINT OF COLLECTION AND PREPARATION THEREFORE, HOURS OF OPERATION, SCHEDULES AND THE CONTAINERS REQUIRED FOR COLLECTION; REQUIRING THE UTILIZATION OF SATISFACTORY EQUIPMENT BY CONTRACTORS; REQUIRING FAITHFUL PERFORMANCE AND PRESCRIBING PENALTIES FOR VIOLATION.

The Borough Council hereby ordains:

Section I. Intent and Purpose

All domestic, commercial and industrial refuse accumulated or stored upon any property within the Borough of Alexandria 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: A place of residence within the Borough of Alexandria of one or more persons where refuse is generated through normal living habits, including apartments and buildings devoted to multiple family occupancy.

Garbage: All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.

Occupant: A person occupying any 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 Alexandria or otherwise having control of the property, including the guardian, executor or administrator of the estate of the owner.

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.

Person: Any natural person, association, partnership, firm or corporation.

Plan: The Huntingdon County Municipal Waste Management Plan.

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 waste, including garbage, ashes and rubbish.

Rubbish: Glass, metal, paper, plant growth, wood or nonpetrifiable 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 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. Collection and Transportation of Municipal Waste

A. No person shall permit anyone other than a hauler licensed pursuant to this Ordinance to collect or haul municipal waste generated by that person, except a person may haul his own waste to a designated facility.

B. All municipal waste within the Municipality upon collection by the contractor will be deemed to be the property of the hauler until delivered to a disposal facility designated in the Plan.

C. Residential collections shall be made at least once every week.

D. Collections from commercial establishments must be made once every week and shall be made more often if necessary to control health hazards, flies, odors and unsightly appearances.

E. No vehicle used in collecting, transporting, disposing or removing municipal waste shall scatter any of the contents on the streets, highways, alleys or private property within the Municipality. Vehicles used to haul municipal waste must be maintained in a clean and sanitary condition and shall meet all the requirements of the Pennsylvania Waste Transportation Safety Act (Act 90) if applicable.

F. Any deficiency must be corrected promptly by the hauler. The hauler shall maintain his equipment in such a condition as to be able to maintain the collection schedule.

Section 5. Equipment of Contractor

The contractor shall be required to collect and remove refuse in motor driven vehicles 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 6. Containers Required

The owner of every dwelling, business or facility shall supply and maintain sufficient garbage bags or containers for the collection of waste. The same must be watertight, equipped with a tight fitting cover and shall be kept in a clean and sanitary condition. No municipal waste shall be stored by any occupant of the premises outside of a garbage container. Waste in garbage bags may be set out for collection no more than twelve (12) hours prior to collection.

Section 7. Service Mandatory

Every owner shall contract with an individual, entity or firm to have waste generated on the premises removed and properly disposed or to personally dispose of refuse in a legal manner by hauling to a permitted transfer station or landfill. Whenever requested by the Borough of Alexandria, 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 seventy-two (72) hours to provide proof to the Borough of Alexandria that he has a current contract for waste collection and disposal.

Section 8. Point of Collection

The contractor shall pick up all refuse on the property from a location arranged between the contractor and customer. Garbage bags or containers may be placed on the edge of the curb or street the night before collection.

Section 9. Cost

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

Section 10. Schedules

Owners shall be responsible for contacting a garbage hauler or contractor for regular collection. Collection shall be made at least weekly. The contractor shall be responsible to notify customers of the days collections will be made.

Section 11. Hours of Operation (Optional)

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 12. Preparation for Collection

All garbage, before being placed into receptacles for collection, should have liquid drained from it as much as practical. Garbage should be wrapped in paper or plastic so as to prevent leakage onto streets and property. Ashes shall be cooled and placed in separate fire resistant containers. Rubbish shall be placed in approved containers or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the contractor.

Section 13. 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 14. Disposal

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

Section 15. Billing Procedure

The Contractor shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The contractor shall enter into individual or separate contracts with each household or occupant of the premises, without liability to or upon the Borough of Alexandria.

Section 16. Complaints

The Borough Council shall have the right to determine finally the true validity of any complaint made by residents as to the failure of the contractor to collect refuse in accordance with this Ordinance and the Borough Council's decision shall be final and binding upon the contractor.

Section 17. Contractor as an Independent Contractor

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

Section 18. 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 Alexandria in providing information in the event that an action is instituted to enforce the terms of this Ordinance.

Section 19. 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 secured so that animals do not spread the materials from the compost piles around the premises.

Section 20. Recycling

It shall be the policy of the Borough to encourage recycling of waste materials. Recyclable materials may be delivered to drop off collection facilities or may be set out for curbside collection. Until collected, all materials must be stored in proper containers and shall be kept clean so that they will not harbor insects, animals or promote the spread of disease.

Section 21. Penalties

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Twenty-Five and 00/100 (\$25. 00) Dollars nor more than Six Hundred and 00/100 (\$600.00) Dollars and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 22. Repealer

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

Section 23. 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 Alexandria that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

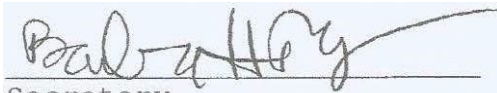
Section 24. Effective Date

This Ordinance shall become effective on the date of adoption by the Alexandria Borough Council.

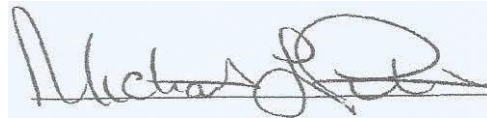
Ordained and Enacted into law this 11th of October, 2010.

ATTEST:

ALEXANDRIA BOROUGH COUNCIL
BY:



Secretary



APPROVED:

Mayor

Proof of Publication of Legal Notice

In Accordance with the Provisions of "Newspaper Advertising Act" approved May 16, 1929, P.L. 1784, as amended

Proof of Publication

vs.

State of Pennsylvania County of
Huntingdon

SS:

Copy of Notice or Advertisement

JODY HALL, being duly sworn according to law,
deposes that she is ADMINISTRATIVE



ASSISTANT of The Daily News, a newspaper of
gen-eral circulation in Huntingdon County,
Published at Huntingdon, Pennsylvania, daily
established in 1922 and that the legal notice
attached hereto and made part hereof was
published in said Newspaper
September 22, 2010

Classified Advertising Invoice

The Joseph F. Biddle Publishing Co.

The Daily News/The Daily Herald
PO BOX 384
HUNTINGDON, PA 16652
Phone: (814) 643-4040
Fax: (814) 641-9628

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Scot O. Gill, Esquire Gill &
McManamon 200 Penn Street
P.O. Box 383
Huntingdon, PA 16652

Gust#: Phone: Date:

a0100316-000

(814)643-2460

09/22/10

Due Date: .10/22/10

Ad#	Text Due	Start	Stop	Days	Amount	Prepaid
01555486-001	dn/pf Ordinance	09/22/10	09/22/10	1	63.60	0.00 63.60

PAID 9/23/10

Please return a copy with payment

Total Due
63.60