

ORDINANCE NO. 399

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE BOROUGH OF FREEMANSBURG BY REGULATING THE COLLECTION, STORAGE, TRANSPORTATION, REMOVAL, DUMPING, DEPOSIT AND DISPOSAL OF THE MUNICIPAL SOLID WASTES AND PROVIDING FOR AUTHORIZATION OF MUNICIPAL WASTE COLLECTORS, LICENSING AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of FREEMANSBURG, County of Northampton and Commonwealth of Pennsylvania:

ARTICLE I - TITLE

Section 1. This Ordinance shall be known as the Borough of Freemansburg Municipal Solid Waste Ordinance.

ARTICLE II - DEFINITIONS

Section 2. The following words and phrases when used in this Ordinance shall have, unless the context clearly indicated otherwise, the meanings given to them in this Section.

"APPLICANT" - means a person desirous of being authorized as a "COLLECTOR".

"BILLING UNIT" - means a single family residence or its equivalent.

An equivalent unit is any portion of an occupied building which generates refuse and recyclables and:

- 1) Occupies separate building space;
- 2) Provides separate income, service or benefit to the property owner, and
- 3) Is capable of subdivision along the vertical party wall.

"BOROUGH" - means the Borough of Freemansburg, Northampton County, Pennsylvania

"COLLECTOR" - means a person authorized to collect, transport and dispose of municipal waste from the Borough of Freemansburg.

"COMMERCIAL ESTABLISHMENT" - means an establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets,

office buildings, restaurants, shopping centers, theaters, and also those facilities that house or serve groups of people such as hospitals, schools, day care centers, universities, and nursing homes.

- "DISPOSAL" - means the incineration, deposition, injection, dumping, spilling, leading or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.
- "DISPOSAL SITE" - means any site, facility, location, area or premises to be used for the disposal of municipal waste.
- "GARBAGE" - means all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.
- "HAULER" - a person who owns and/or operates vehicles engaged in the collection or transportation of municipal waste within the Borough of Freemansburg.
- "INDUSTRIAL ESTABLISHMENTS" - means any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.
- "INSTITUTIONAL ESTABLISHMENTS" - means any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities and rehabilitation facilities.
- "MANAGEMENT" - means the entire process of any part thereof of storage, collection, transportation, processing, treatment and disposal of municipal waste by any person engaging in such process.
- "MIXED USE" - any combination of commercial and residential units the total being twelve (12) or less from which refuse and recyclables are collected.
- "MULTI-FAMILY HOUSING PROPERTY" - any property having twelve (12) or more dwelling units per structure. It shall not include buildings with multi-dwellings units capable of subdivision along the vertical party wall.
- "MUNICIPAL WASTE" - means any 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 and 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, waste water treatment plant or air pollution control facility. (Pennsylvania Solid Waste Management Act 97, Section 103)

- "PERSON" - means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity whatsoever which is recognized by law as being subject to the rights and duties of a person.
- "PROCESSING" - means any technology used for the purpose of reducing the volume of bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities and resource recovery facilities.
- "REGULAR" - means at least three or more times per month.
- "REFUSE" - means the collective term applying to all garbage, rubbish, ashes, leaves and grass trimmings from residential, municipal, commercial or institutional premises.
- "SOLID WASTE" means any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103)
- "STORAGE" - means the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of one year constitute disposal.
- "TRANSPORTATION" - means the off-site removal of any municipal waste generated or present at any time from the Borough of Freemansburg.

#### ARTICLE III - CONTAINERS

1. All refuse originating within the Borough of Freemansburg, shall be disposed of only by the contractor designated as herein provided, unless herein exempted. No person except the contractor shall collect, remove, haul or convey refuse

through or upon any of the streets of the Borough and dispose of the same in any manner or place except as herein provided.

2. Preparation of Refuse:

- A) All garbage shall be drained of liquid before being placed in the container;
- B) tree trimmings, hedge clippings and similar rubbish shall be cut in length, not exceeding three (3) feet and shall be securely tied in bundles before being deposited for collection;
- C) magazines and other printed matter excluding newspapers shall be securely tied in bundles or placed in brown paper bags, not exceeding forty (40) pounds in weight.

3. Refuse containers:

- A) All garbage shall be placed in containers.
- B) refuse containers shall be of durable water tight, rust resistant materials having a close fitting lid and handles to facilitate collection
- C) containers shall be limited to thrity (30) gallon capacity and when weighed, shall weigh no more than forty (40) pounds;
- D) all containers shall be kept in a sanitary condition and shall be kept in good repair.
- E) location of containers - all refuse containers shall be placed at the curb line or street of the respective home or household and must be removed from the street or curb line promptly following collection;
- F) time restriction - no refuse container may be placed earlier than 5:00 p.m. of the evening prior to the scheduled collection. All refuse containers shall be placed prior to the time set for collection.
- G) trash haulers shall use their best efforts to begin collection of the containers no earlier than 6:00 a.m.

4. All refuse shall generate at the place of collection residential unit or qualified commercial establishment?

ARTICLE IV - COMMERCIAL ESTABLISHMENTS

All commercial establishments shall be billed in accord with an established commercial rate adopted by the Borough. Commercial establishments must adhere to the same rules for collection as all other persons.

#### ARTICLE V - MULTI-FAMILY HOUSING PROPERTIES

All multi-family housing a mixed use properties which exceed twelve (12) units, shall be exempt from the application of this part. The hauler responsible for the removal of refuse from multi-housing on mixed used properties shall meet the requirements of the Ordinance. The accumulation of refuse from multi-family housing and mixed use properties shall be collected and disposed of at the expense of the owner.

#### ARTICLE VI - REFUSE VEHICLES

All persons gathering or hauling in, over and upon the streets of the Borough of Freemansburg, shall haul the same only in vehicles tightly closed on the bottom and sides so as to prevent refuse from spilling, dripping or otherwise falling or coming upon the sidewalk, street or alley and all vehicles shall be so operated as to prevent offensive odors from escaping therefrom and refuse from being blown or spilled upon any sidewalk or street and shall be kept in a sanitary condition at all times.

#### ARTICLE VII - REPORTS

All persons collecting refuse and/or recyclables in the Borough shall submit a customer list monthly together with a report on the form provided listing by way all refuse and recyclables collected. Failure to comply with these requirements will result in revocation of a license as set forth above.

#### ARTICLE VIII - FEES

The Borough of Freemansburg shall, from time to time, by Resolution, establish the schedule of fees for the collection of refuse and amend said scheduling system from time to time as the need for amendment may arise. The proceeds of such fees shall be applied toward the general fund. The Council may also establish the schedule of fees for special collection.

#### ARTICLE IX - LATE PAYMENT FEES

Penalties for late payment shall be as follows:

- 1) if not paid within thirty days of the billing date ten (10%) percent;
2. if not paid within ninety (90) days of the billing date, one and one-half (1 1/2%) per cent per month for each month in excess of ninety (90) days.

- 3) In the event that legal action is required to collect delinquent accounts, a minimum collection fee of twenty-five (25%) percent shall be charged.

SECTION X - REGULATIONS

The Borough of Freemansburg reserves the right to further implement this Ordinance by Rules and Regulations which it may pass by Resolution from time to time. The Rules and Regulations shall be construed as part of this Ordinance.

SECTION XI - PENALTIES

Any person who shall violate any portion of this ordinance, shall upon conviction thereof, be sentenced to pay a fine not exceeding six hundred (\$600.00) dollars in costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day of the violation of this Ordinance continues, shall constitute a separate offense.

ENACTED AND ORDAINED this      day of June, 1999.


ATTEST:

BOROUGH OF FREEMANSBURG

  
Secretary

  
President of Council

APPROVED this 7<sup>th</sup> day of June, 1999.

  
Mayor

## AMENDMENT TO ORDINANCE

### NO. 2004-009

WHEREAS, The Borough of Freemansburg has established an Ordinance for the collection of garbage and refuse within the Borough boundaries and;

WHEREAS, The Borough of Freemansburg has determined that it is necessary for a modification of the Ordinance regarding collection of garbage and refuse from commercial establishments.

NOW THEREFORE, it is hereby ordained and enacted by the Borough of Freemansburg as follows:

1. The owners of commercial businesses, multi-use and multi-family dwellings as defined within the ordinance may elect to be reclassified to small business status as defined, and be provided with curbside garbage pickup.
2. Those commercial businesses, multi-use and multi-family units, which may require a dumpster due to the volume of garbage and refuse and/or are identified as a food establishment and/or a multi-use property, may retain the services of their own hauler.
3. It will be the responsibility of that multi-use and food establishments, to assure that they are in compliance with the garbage and refuse ordinance of the Borough of Freemansburg and will be responsible to the hauler they have selected directly for any payment.


4. The hours of refuse collection activity shall be set in accord with the existing contract as executed by the Borough.

Adopted this 18 day of October 2004.

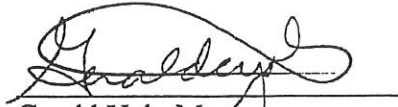


CHARLES DERR  
President of Council

ATTEST:

  
Andrew Guido, Jr. Secretary

Approved this 18 day of October 2004.

  
Gerald Yob, Mayor