

Chapter 20

Solid Waste

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Part 1**Municipal Refuse Collection****§20-101. Short Title.**

This Part shall be known and may be cited as the “Municipal Refuse Collection Ordinance of 1988.”

(*Ord. 413, 12/19/1988, §I*)

§20-102. Definitions.

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the following meanings:

Borough—Borough of Ferndale, Cambria County, Pennsylvania.

Commercial enterprise—any retail, wholesale, manufacturing, construction, or service enterprise, but shall not include apartment buildings or those parts of apartment buildings exclusively used as “family units” herein defined.

Dead animals—all dead animals and parts thereof not intended to be used for food for human consumption.

Family unit—an occupied residential dwelling unit, whether a single-family home or one of the basic dwelling units of a duplex, double house, triplex, or multi-unit apartment building.

Garbage—the refuse from animal and vegetable matter after it has been used as food for human consumption and including kitchen and table waste of animal matter, fish, bones, fat, and other ordinary kitchen and table wastes resulting from the preparation of foods.

Nonfamily unit—a firm, proprietorship, partnership, corporation, society, church, association, or instrumentality of government that occupies all or part of a building or adjacent buildings and generates refuse for collection at a defined place on or near the premises.

Person—any person, firm, partnership, association, corporation, company, organization, or entity of any kind.

Private collector—a person, partnership, or corporation who is in the business of collecting refuse from commercial enterprises and “nonfamily units” other than his own business or “nonfamily units.”

Refuse—all putrescible and nonputrescible solid waste, except body waste, including garbage, rubbish, street cleanings, and dead animals.

Rubbish—nonputrescible solid waste consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, glass, crockery, grass, tree trimmings, straw, rags, bottles, shoes and other like refuse or waste matter.

(*Ord. 413, 12/19/1988, §II*)

§20-103. Collection Governed by this Part.

No person shall collect, convey over any of the streets or alleys of the Borough, or dispose of any refuse accumulated in the Borough, except as hereinafter provided in this Part.

(*Ord. 413, 12/19/1988, §III*)

§20-104. Collection from Family Units.

All refuse from family units shall be collected by employees of the Borough of Ferndale or may be contracted out by the Borough to one or more private haulers after having received competitive bids as prescribed by law.

(*Ord. 413, 12/19/1988, §IV*)

§20-105. Collection from Nonfamily Units.

Refuse from nonfamily units may be collected by any licensed private collector under a private agreement between the licensed collector and the owner, occupant, or agent of the nonfamily unit. Any commercial enterprise may haul away its own refuse in its own trucks using its own employees, except that any such enterprise shall be considered a licensed private collector for the purpose of complying with the type of vehicle to be used for the transportation of refuse.

(*Ord. 413, 12/19/1988, §V*)

§20-106. Licensed Private Collectors.

1. No private collector shall engage in the business of private refuse collection and removal without possessing a valid license from the Borough of Ferndale.

2. In order to obtain a valid license from the Borough, the private collector must satisfy the requirements of subsections .3 and .4 of this Section.

3. *License Fee.* Each private collector shall pay on or before February 1 of each year to the Borough an annual license fee in an amount as established from time to time by resolution of Borough Council to haul in the Borough and no new license shall be issued until the fee is paid in full. [*Ord. 489*]

4. *Private Collection Vehicles.* Each private collector must demonstrate that he or she possesses and uses exclusively in the private collection of refuse an enclosed watertight container body mounted on each truck chassis. Each said container body shall be designed and equipped so that neither refuse nor noxious odors will escape the collection vehicle.

5. *Revocation of License for Cause.* The Borough of Ferndale may revoke a license following a hearing if it is determined that the private hauler:

A. Uses one or more collection vehicles that do not meet the requirements of this Part.

B. Repeatedly creates nuisances in collecting and disposing of refuse.

C. Has violated Federal or State criminal statutes in the conduct of business or the collection of refuse.

D. Has violated another provision of this Part.

(*Ord. 413, 12/19/1988, §VI; as amended by Ord. 489, 10/13/2014*)

§20-107. General Provisions.

1. *Frequency of Collection from Family Units.* Refuse shall be collected from each family unit at least once per week.

2. *Frequency of Collection from Nonfamily Units.* Refuse shall be collected from each nonfamily unit at least once a week, and more frequently, if necessary, to protect the public health.

3. *Interfering with or Damaging or Removing Receptacles.* No unauthorized persons shall in any manner interfere with the garbage vessels or receptacles and the contents thereof. Any unauthorized person who shall damage, remove or destroy any receptacle referred to in this Part shall be subject to the penalties herein provided.

4. *Interference with Collections.* No person shall obstruct, delay, or interfere with the garbage and rubbish collectors while in the performance of their lawful duties.

5. *Report of Violations; Prosecution of Offenders.* All violations of this Part shall be reported by the Police Department of the Borough of Ferndale, and it shall be their duty to investigate, or cause to be investigated, all complaints, to issue citations, and to prosecute offenders against the provisions of this Part.

6. *Unlawful Placement or Scattering of Refuse.*

A. *Public Places.* No person shall place any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the Borough of Ferndale, except that it be in proper containers for collection or under express approval granted by the Council of the Borough of Ferndale. No person shall throw or deposit any refuse in any stream or other body of water.

B. *Unauthorized Accumulations.* Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 24 hours of receiving a notice of violation issued by the Council of the Borough of Ferndale or its representative, shall be deemed a violation of this Part.

C. *Scattering of Refuse.* No person shall cast, place, sweep, or deposit anywhere in the Borough of Ferndale any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any premises within the Borough.

D. No household refuse shall be deposited in street containers which are placed for the convenience of pedestrians.

E. No person shall place refuse in the container of another person.

F. No collector shall be required to receive more than four cans or five bags of garbage from any one family unit per week. If the person responsible for the family unit has generated more, he or she shall make private arrangements with the contract hauler for the disposition of the excess.

7. *Refuse Containers.*

A. *Duty to Provide and Maintain in Sanitary Condition.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this Part or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents

thereof shall be promptly replaced upon notice. The Borough, or its representative, shall have the authority to deny collection services or to prosecute violators for failure to comply herewith.

B. *Container Features.* Garbage containers shall be sufficiently strong to contain their contents, shall be equipped with suitable handles and tight-fitting covers, and shall be watertight. The Borough assumes no liabilities for damages to any containers. Heavy duty plastic bags may be used but shall be tied and free of tears or holes and must be of sufficient strength and durability to prevent tearing by animals and deterioration by weather conditions.

(1) *Capacity.* Garbage containers shall have a capacity of not more than 20 gallons.

(2) *Sanitation.* Garbage containers shall be kept in a clean, neat, and sanitary condition at all times.

(Ord. 413, 12/19/1988, §VII)

§20-108. Precollection Practices.

1. *Separation of Refuse.* Garbage and rubbish may be placed and maintained in the same containers.

2. *Preparation of Refuse.*

A. *Garbage.* All garbage, before being placed in cans for collection, shall have drained from it all free liquids and may be wrapped in paper or plastic bags.

B. *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection.

(1) *Cans and Bottles.* All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.

(2) *Trimmings and Clippings.* Tree trimmings, hedge clippings, and similar material shall be cut to length not to exceed 4 feet and securely tied in bundles not more than 2 feet thick before being deposited for collection and shall be placed at convenient places for loading.

C. *Inflammable, Radioactive, Highly Toxic, Highly Corrosive or Explosive Matter.* Inflammable, radioactive, highly toxic, highly corrosive, or explosive materials, shall not be placed in containers for regular collection, but shall be disposed of in accordance with law.

3. *Placing for Collection.* Refuse containers shall be set out for collection at curbside on streets or adjoining alley rights-of-way where appropriate.

(Ord. 413, 12/19/1988, §VIII)

§20-109. Refuse Collection Fees.

1. *Annual Fee for Family Units.* The annual fee for the collection and disposal of refuse from each family unit shall be \$155 per year. The annual fee for the collection and disposal of refuse from each family unit will be the responsibility of the owner or owners of the property. [Ord. 489]

2. *Payment of Fees.* Payment of the annual fees herein prescribed shall be made twice per year, the first payment to be made by February 28 of each year, and the

second payment to be made no later than June 30. The Secretary of the Borough of Ferndale may combine the refuse collection fees with the sewer service charges.

3. *Delinquent Accounts.* Any payment not made within 5 days after the first payment date shall be delinquent and shall have added to it a penalty in the amount as established from time to time by resolution of Borough Council. Any payment not made within 5 days after the second payment date shall be delinquent and shall have added to it a penalty in the amount as established from time to time by resolution of Borough Council. The Borough shall have the right to cease all refuse collection for any account considered delinquent. [Ord. 489]

4. *New Customers.* All fees are imposed as of January 1 of each year. If the payor of the fee removes during the calendar year, no part of the fee shall be refunded. If a family unit is occupied by a new resident after the first of January, no new collection fee shall be charged if paid by former resident. Any person who occupies a family unit after the first of January for which said unit has not been paid, shall pay a prorata share of the full annual fee for the remaining months of the year following the said occupying of the family unit. [Ord. 438]

5. *Collection of Fees.* All fees for the collection as herein provided shall be payable to the Borough of Ferndale.

6. *Exoneration, Refunds, and Reports of Fees Collection, Action to Collect Delinquent Fees.*

A. No refunds, reductions, or exonerations of fees for collections shall be made.

B. The Secretary of the Borough of Ferndale shall present Council with monthly reports of collections, as well as delinquent accounts if requested by the Council.

C. The Council shall collect delinquent fees by an action in assumpsit or by the filing of a municipal claim or lien as allowed by law.

7. *Responsibility for Payment of Fee for Family Unit.* The occupant of a dwelling unit shall be responsible for paying said refuse collection fee.

8. *Dwelling Units Presumed to be Occupied and Thereby Obligated to Pay Fee.* Each residential dwelling unit or combined commercial and family unit is presumed to be occupied by an occupant family, individual, or commercial enterprise. Payment for garbage/refuse services is required and if not paid by the occupant, it shall be the responsibility of the owner of the property to make the payments per this Section. The owner of a rental property must also provide an updated list of tenants whenever there is a change in occupancy and those tenants and owners must make certain that a moving permit is obtained per Ord. 445, 6/9/1994, as amended [Chapter 11, Part 1]. [Ord. 476]

(Ord. 413, 12/19/1988, §IX; as amended by Ord. 426, 12/10/1990, §IX; by Ord. 438, 12/15/1992, §IX; by Ord. 442, 10/11/1993, §IX; by Ord. 476, 10/11/2010, §1; and by Ord. 489, 10/13/2014)

§20-110. Penalties.

Any person, whether as principal, agent, or employee, violating or assisting in the violation of any of the provisions of this Part or of any regulation made by Council or

the provisions hereof shall be guilty of a summary offense in accordance with §3321 of the Borough Code, 8 Pa.C.S.A. §3321, and, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 413*, 12/19/1988, §X; as amended by *Ord. 489*, 10/13/2014)

Part 2**Mandatory Recycling of Leaves and Other Yard Waste****§20-201. Purpose.**

It is the purpose of this Part to establish a program whereby fall leaves are collected by the Borough for composting or other recycling so as to avoid burdening landfills and to avoid the nuisance and annoyance to neighbors and the risk to public safety from burning of leaves.

(Ord. 454, 10/14/1996, §I)

§20-202. Definitions.

Leaf or leaves—all leaves falling from outdoor trees onto a property, and which are raked or collected in some manner by the property owner or his tenant, agent or contractor.

Yard waste—grass cuttings, and small twigs and branches which are no more than 6 inches long nor more than ½ inch in diameter.

(Ord. 454, 10/14/1996, §II)

§20-203. Recycling Mandated.

1. All residents of the Borough shall at the beginning of the fall leaf season (or at other times designated by the Borough pursuant to the procedures established in §20-204) place all leaves at the boundary of their property and the public right-of-way for collection by the Borough. Yard waste may be included with leaves.

2. Leaves shall be placed at the edge of the public right of way in a clean and loose condition and shall be free of any other household garbage or other trash or refuse. Leaves shall not be placed in bags.

(Ord. 454, 10/14/1996, §II)

§20-204. Burning and Other Disposal Prohibited.

It shall be a violation of this Part which shall subject owner of property, tenant, or other person responsible for violation to burn leaves or yard waste, or dispose of leaves or yard waste with household garbage.

(Ord. 454, 10/14/1996, §III)

§20-205. Alternate Collection Dates.

The Borough Roadmaster is hereby invested with the authority to declare alternative and additional collection dates for leaves and suitable yard waste, when climate or other conditions render it appropriate. To establish an alternate or additional collection date the Roadmaster shall cause an advertisement of collection schedule to be placed in the *Johnstown Tribune Democrat* newspaper at least 1 week in advance of collection and cause the collection schedule to be posted at public places throughout the Borough.

(Ord. 454, 10/14/1996, §IV)

§20-206. Schedule of Penalties.

In the event of violation of this Part, the Borough Police Department shall assess the following civil penalties:

Offense	1 st Offense	2 nd Offense	3 rd Offense	Additional Offense
Burning Leaves or Yard Waste	\$50	\$100	\$150	\$200
Other Refuse with Leaves	\$25	\$50	\$100	\$500
Other Violations of this Part	\$1,000	\$1,000	\$1,000	\$1,000

(*Ord. 454, 10/14/1996, §V*)

§20-207. Enforcement.

Failure to pay a civil penalty within 30 days of assessment shall subject the responsible party to an enforcement action before the local magisterial district judge, and upon judgment, the responsible party shall pay the assessment, costs of the action, and attorney fees of the Borough.

(*Ord. 454, 10/14/1996, §VI; as amended by Ord. 489, 10/13/2014*)