

BOROUGH OF SEVEN FIELDS

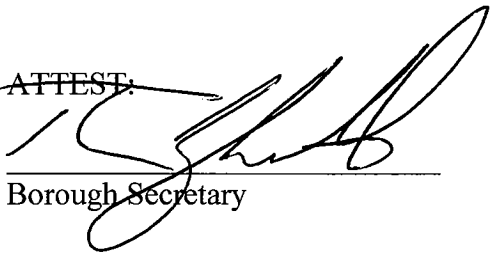
AMENDED ORDINANCE #19

Amended September 9, 2002

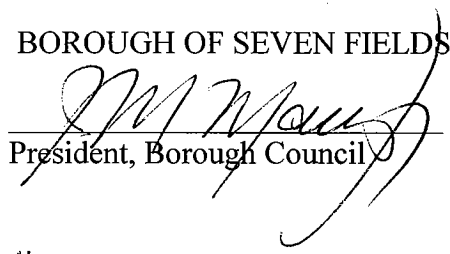
The Borough Council of Seven Fields, Butler County, Pennsylvania, hereby ordains and enacts this Amendment to Ordinance Number 19:

That Section 3 shall be amended to read as follows: Standards and Regulations for Storage. Residents may not place garbage receptacles at curb earlier than 6:00 p.m. on day prior to scheduled garbage pick-up. Residents must retrieve receptacles by 7:00 p.m. on day of pick-up.

ATTEST:


Borough Secretary

BOROUGH OF SEVEN FIELDS


President, Borough Council

REVIEWED AND APPROVED BY ME THIS 10th day of September, 2002.


Mayor

BOROUGH OF SEVEN FIELDS

ORDINANCE NO. 19

(AMENDED 10/14/96)

(Amended 9/9/02)

AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING, AND BURNING OF SOLID WASTES UPON PRIVATE PROPERTY IN SAID BOROUGH, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE: REGULATING THE CARE AND REMOVAL OF SOLID WASTES AND PROVIDING FOR THE COLLECTION OF SOLID WASTES ONLY BY LICENSED COLLECTORS IN SAID BOROUGH: AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, the collection and disposal of solid wastes within the Borough of Seven Fields, Butler County, Pennsylvania has created a problem related to the health, safety and welfare of the citizens of the Borough; and

WHEREAS, pursuant to said authority vested in them, the Council of the Borough of Seven Fields are desirous of enacting an Ordinance regulating the collection and disposal of solid wastes in said Borough;

NOW THEREFORE, be it enacted and ordained by the Borough of Seven Fields, Butler County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION I: DEFINITIONS

The following words and terms as used in this Ordinance shall have the meaning ascribed thereto, unless the context clearly indicates a different meaning:

"Bulky Waste" - means large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps, which may require special handling due to their size, shape, or weight, including but not limited to, any item of waste heavier than fifty (50) pounds in weight or greater than four (4) feet in any dimension.

"Commercial Waste" - means all solid waste emanating from any establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

"Construction and Demolition Waste" - means all municipal and residual waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

"Domestic Waste or Household Waste" - means solid waste, comprised of garbage, refuse and rubbish, which normally originates in a private residential household or apartment house.

"Garbage" - means any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

"Hauler" or "Private Collector" - means any person, firm, co-partnership, association, or corporation who has been licensed by the Borough to collect, transport, and dispose of solid waste from Borough properties for a fee as herein prescribed.

"Hazardous Waste" - means all wastes defined as hazardous under the regulations of the United States Environmental Protection Agency as specified in 40 CFR 261 and under the regulations of the Pennsylvania Department of Environmental Resources as specified in 25 PA Code 75.261, including all latest and future amendments thereto.

"Municipal Waste" - means garbage, rubbish, refuse, lunchroom or office waste and other material resulting from operation of residential, commercial, municipal or institutional establishments and from community activities.

"Person" - Means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal or State Government or agency, State institution, or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Refuse" - means all materials which are discarded as useless.

"Rubbish" - means all municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, clothing, crockery, glass, leather, metals, paper, plastic, rags, straw, wood and yard cleanings/cuttings.

"Solid Waste" - means all garbage, rubbish, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from residential, commercial, municipal, institutional, industrial and agricultural activities.

SECTION II: PROHIBITED ACTIVITIES

1. From and after the effective date of this Ordinance No. 19, and for reasons of safety, health and sanitation, it shall be unlawful for any person to:

- a. Accumulate or permit to accumulate upon any public or private property within the Borough any garbage, refuse, rubbish, bulky waste, domestic waste, municipal waste or any other solid waste, except in accordance with the provisions of this Ordinance No. 19.
- b. Accumulate or permit to accumulate upon any public or private property within the Borough any hazardous waste.
- c. Burn, bury or dispose of any solid wastes upon any public or private property within the Borough.
- d. Operate as a "hauler" or "private collector" to collect, transport or remove any solid waste from any public or private property within the Borough without first securing a license to do so in accordance with the provisions of this Ordinance No. 19. Property owners or tenants may remove bulky solid waste from their own properties as long as the same is properly and legally disposed of.
- e. Scavenge any materials from any solid waste that is stored or deposited for collection within the Borough, without the permission of the property owner or tenant.
- f. Throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Borough, except in accordance with the provisions of the Ordinance No. 19.

Section III: STANDARDS AND REGULATIONS FOR STORAGE

1. All persons producing and storing solid waste for collection shall comply with the following standards and regulations:

- a. Any person storing municipal waste outdoors shall provide a sufficient number of containers in serviceable condition, to contain all waste material and to prevent spillage or leakage of same, generated

during periods between regularly scheduled collections. Containers shall have a proper top and be kept covered, and shall be solid walled and made of metal or plastic (plastic bags, cardboard boxes, and similar containers are not permissible under this Ordinance).

- b. Municipal waste from residences, when stored outdoors, shall be stored in containers (as defined above in Section a). Containers shall be stored outdoors to the rear or side of the owner's property, with the exception of collection days.
- c. Municipal waste from apartment buildings and commercial waste shall be stored in bulk containers of a type designed and approved for said usage and shall be completely closed on all sides, top and bottom. Bulk containers shall be of the type which can be mechanically handled directly by the hauler's collection vehicle equipment and shall be stored in an area enclosed by suitably designed fencing or screening so as not to be generally visible from the ground level. The location of bulk containers shall be selected to be easily accessible to the collection vehicle. The location of bulk containers and details of the enclosures for same will be subject to the review and approval of the Borough's Council prior to the issuance of the building permit for the apartment building or commercial establishment.
- d. In addition to waste placed in the containers, other wastes may be placed for disposal and pick up by the hauler or private collector contracted by the borough, or contracted by any nonresidential property owners or tenants, pursuant to the rules and regulations of the hauler or private collector.
- e. Municipal waste containers from private residences, along with any acceptable bundled, boxed and/or bagged wastes shall, on collection days, be placed by the property owner at the curb line or near the lot line adjacent to the street or alleyway for collection on scheduled collection days. After such wastes have been collected, the property owner shall return all empty containers to their normal storage locations before the end of the day. Containers shall be placed so as not to obstruct sidewalks, public roads, and driveways.

6. All collection activity shall be conducted only during the hours from 7:00 A.M. to 4:00 P.M., unless prior approval of any exception has been granted in writing by the Borough.

7. All licensed haulers and haulers under contract with the Borough must comply with the following regulations:

- a. Any solid waste collected within the Borough must be conveyed by the hauler to an approved transfer station, processing facility, or disposal site, which must have a valid current operating permit in force, which has been issued by the Pennsylvania Department of Environmental Resources.
- b. All collection vehicles shall be watertight and capable of being enclosed or fitted with a cover to prevent wastes from spilling out. Vehicles shall be kept in good operating condition and cleaned as frequently as necessary to prevent health hazards, odors, vectors and other nuisances.
- c. All vehicles used for the collection and transportation of solid waste must comply with all applicable codes, standards and regulations of the Commonwealth of Pennsylvania and any other agency having jurisdiction thereover.

8. All collection, transportation and disposal activities shall comply with all applicable Federal and State laws, regulations, codes and standards including, but not limited to, the Pennsylvania Solid Waste Management Act of 1980 (Act 97).

SECTION V: LICENSING REQUIREMENTS

1. No person shall engage in the collection, transportation or disposal of any solid waste material from any public or private property within the Borough without first having obtained a valid current license for same from the Borough. This provision may be waived, on a case by case basis at the discretion of the Borough, only with respect to the collection, transportation and disposal of construction and demolition waste generated from construction and/or demolition activities at a single private residence provided that the proposed hauler submits sufficient evidence and files a formal certificate with the Borough that such materials shall be disposed of in a legal and environmentally acceptable manner.

2. Applications for licenses shall be made to the Borough on forms provided for such purpose by the Borough. Applications shall be accompanied by all required information including, but not limited to, the following:

- a. Check or money order made payable to the Borough of Seven Fields, in the amount of seventy-five dollars (\$75.00) representing a nonrefundable application fee.

SECTION IV: STANDARDS AND REGULATION FOR COLLECTION

1. From and after the effective date of this Ordinance No. 19, the Borough shall have the sole and exclusive right, privilege and obligation to provide for the collection and disposal of municipal waste from all residential properties, including single-family homes, duplexes, townhouses and apartment buildings within the Borough. No person is hereafter permitted to contract for this service by or through any other agency or business, except as provided and/or required herein

2. The Borough shall provide for the collection and disposal of municipal waste, subject to the limitations as set forth in this Ordinance No. 19, from residential properties, either directly or by entering into a periodic contract with one or more private collectors to provide this service. The Borough shall be empowered to establish, from time to time, by Resolution of Borough Council duly adopted, a schedule of fees for providing such service and to charge each property owner a fee computed according to such prevailing schedule. Any fees so established shall be computed based upon the then prevailing costs to the Borough of providing such service, including reasonable allowances to cover costs to the Borough for implementation, administration and management of such service. All residential properties shall use this service as herein provided.

3. All commercial, municipal, institutional and agricultural premises or enterprises shall be required to privately negotiate and contract individually with the Borough's private collector or any properly licensed hauler of their choice for the collection and disposal of their own solid wastes.

4. The Borough shall provide for the collection of municipal waste from residential properties at least once per week, in accordance with residential collection schedules published regularly by the Borough or its contracted hauler. Regularly scheduled weekly collections shall exclude the collection of any bulky waste or construction and demolition waste from any property. It is the responsibility of any person requiring the collection and disposal of such excluded wastes to privately negotiate and contract individually with the Borough's private collector or any property licensed hauler of their choice for the collection and disposal of such excluded wastes. The Borough may elect, at its sole discretion, to establish one or more special collection days during the year for the collection of bulky wastes; however, construction and demolition waste shall not be collected by the Borough at any time.

5. Private collection of solid waste from any commercial, municipal, institutional and agricultural premise or enterprise shall be performed as often as is necessary to control health hazards, odors, flies, and unsightly conditions; however, in no event shall such collections be made less frequently than once per week.

b. A list of equipment proposed to be used.

c. The name (s) and address (es) of the proposed transfer station, processing facility and/or disposal site to be used, along with their current operating permit number (s) as issued by the Pennsylvania Department of Environmental Resources.

d. Evidence of adequate current bodily injury liability and property damage liability insurance coverage in amounts of not less than those established, from time to time, by Resolution of Borough Council duly adopted. Minimum amounts of insurance coverages required shall be stipulated in the application furnished by the Borough.

3. All licenses shall be issued for a period of one (1) year. Any license issued by the Borough may be revoked at any time by the Borough in the event that the licensee violates any provision of this Ordinance No. 19 or in the event that there is a material change in the status of any condition precedent to the issuance of said license including, but not limited to, loss of adequate insurance coverages or the suspension or revocation of any required operating permit relative to the licensee's ultimate disposal site.

SECTION VI: PENALTIES

1. Any person who shall violate or fail to comply with any provision of this Ordinance No. 19 shall, upon conviction thereof, in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than three-hundred dollars (\$300.00) plus costs of prosecution, and, in default of payment of such fine and costs, shall be committed to the County Jail for a period not exceeding thirty (30) days. Each day's continuance of a violation of this Ordinance No. 19, beginning twenty-four (24) hours following receipt of written notification by the Borough of such violation, shall constitute a separate offense.

2. Any person who shall violate or fail to comply with any provision of this Ordinance No. 19 prohibiting the accumulation of hazardous waste within the Borough shall, upon conviction thereof, in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than three-hundred dollars (\$300.00) plus costs of prosecution, and, in default of payment of such fine and costs, shall be committed to the County Jail for a period not exceeding thirty (30) days.

3. Each day's continuance of any violation of this Ordinance No. 19, beginning twenty-four (24) hours following receipt by any person of written notification from the Borough of such violation, shall constitute a separate offense.

SECTION VII: SEPARABILITY

Should any provision, sentence, clause, section or part of this Ordinance No. 19 be, 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 that this Ordinance No. 19 would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section or part thereof, not been included herein.

SECTION VIII: REPEALER

All ordinances and parts of ordinances in conflict with this Ordinance No. 19 are hereby repealed. this Ordinance No. 19 shall also act as a complete repeal of Ordinance No. 6, dated January 6, 1984.

SECTION IX: EFFECTIVE DATE

This Ordinance No. 19 shall become effective upon the initiation of public municipal waste collection service to the Borough residents under Contract with the Borough or March 1, 1987, whichever occurs first.

ENACTED AND ORDAINED into an Ordinance by the Council of the Borough of Seven Fields, this 14th day of OCTOBER, 1996.

Christine Wells
Borough Secretary

By

Robert M. Messing
Council President

REVIEWED AND APPROVED BY ME THIS 18 DAY OF October, 1996.

[Signature]
Mayor