

Chapter 211
SOLID WASTE

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[HISTORY: Adopted by the Borough Council of the Borough of Linesville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Storage, Collection and Disposal of Refuse
[Adopted 5-3-1965 by Ord. No. 161; amended in its entirety 1-25-1993 by Ord. No. 258]

§ 211-1. Title.

This article shall be known as the "Refuse Disposal Ordinance" amending Ordinance No. 161 of 1965.

§ 211-2. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

ASHES — The residue resulting from the burning of wood, coal, coke or other combustible material.

COMMERCIAL/INDUSTRIAL UNIT — Any premises, location, or entity, public or private, within the corporate limits of the Borough of Linesville and not defined as a residential unit. [Added 4-14-2009 by Ord. No. 295]

DISPOSAL — Includes the storage, collection, disposal or handling of refuse.

GARBAGE — All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

PERSON — Includes any natural person, association, partnership, firm or corporation.

REFUSE — All solid wastes, except body wastes, and shall include garbage, ashes, and rubbish.

RESIDENTIAL UNIT — A dwelling or group of rooms occupied by a person or group of persons comprising not more than two separate single-family dwelling units. A residential unit shall be deemed occupied when either water or domestic light and power services are supplied thereto. A townhouse, fourplex, duplex or condominium dwelling,

whether single or multilevel construction, consisting of three or more contiguous or separate single-family dwelling units, shall not be treated as a residential unit. **[Added 4-14-2009 by Ord. No. 295]**

RUBBISH — Includes glass, metal, paper, plant growth, wood or nonputrescible solid wastes.

- B. Other. The singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 211-3. Storage practices.

A. Preparation of refuse.

- (1) All refuse shall be drained free of liquids before disposal.
- (2) Garbage shall be wrapped in paper or similar material.
- (3) All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal.
- (4) Rubbish shall be:
 - (a) Placed in approved containers; or
 - (b) Cut and bailed, tied, bundled, stacked or packaged so as not to exceed 36 inches in length and 32 pounds in weight.

B. Refuse containers.

- (1) Refuse containers shall be made of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection.
- (2) Refuse containers shall not be less than 10 gallons nor more than 50 gallons in capacity.
- (3) In the alternative, approved refuse containers shall also include storage in heavy-duty plastic bags, the specifications for which may be established by the Borough, or its franchise collector, which bag shall not exceed a weight of 50 pounds.
- (4) It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thorough rinsing and draining as often as necessary.

C. Storage of refuse.

- (1) Each household, commercial establishment, or person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein; except as provided in Subsection A(4)(b) relating to handling of rubbish.

- (2) It shall be unlawful to place refuse in any street, alley, stream, body of water, or any other public place, or upon private property, whether owned or not, unless such refuse is placed in an approved container, except that rubbish may be stored as provided in Subsection A(4)(b).
- (3) It shall be unlawful to place refuse in any public maintained receptacle, barrel, or bin which is located within the Borough, it being understood that all refuse must be stored within approved refuse containers and placed so that it is readily collectible as hereinafter provided.

§ 211-4. Collection practices.

- A. Place of collection. Refuse containers shall, for the purpose of collection, be placed at ground level, and be made readily accessible to the collector.
- B. All refuse accumulated in the Borough of Linesville shall be collected, conveyed and disposed of by the Borough, or its designee or franchisee, and the cost of such service shall be paid for as hereby provided by the person producing the refuse, or the person responsible for the existence or the disposal thereof. It shall be unlawful for any person to collect, convey, or dispose of any refuse accumulated in the Borough other than with whom the Borough contracts for the collection, conveyance, and disposal of such refuse, or the Borough's duly authorized franchisee; provided, however, that any and all commercial and/or industrial unit may provide for the collection, conveyance and disposal of refuse either with the Borough's duly authorized franchisee or from any other collector of refuse duly licensed by the Commonwealth of Pennsylvania or the State of Ohio. [Amended 4-14-2009 by Ord. No. 295]
- C. The collection and disposal of such refuse in the Borough of Linesville shall be directed, maintained and supervised by the Borough Council. The Borough Council shall have the authority to make regulations concerning the frequency and days of collection, the type and location of bins and containers for waste and rubbish and such others matters pertaining to the collection and disposal as it may deem advisable, and to change and modify the same after appropriate notice.
- D. The Borough shall, simultaneously herewith, enter into a Franchise Agreement with a responsible, licensed, collector, to-wit: see Exhibit A, Resolution No. 1993-2. The Borough and _____, hereinafter referred to as "the Franchisee," have participated in various discussions and negotiations which have resulted in an agreement pertaining to the nature of the service to be provided by the Franchisee and the charges therefor, the specific terms and provisions of which are attached hereto as Exhibit A to this article, and incorporated herein by reference.¹
- E. Frequency of collection. Unless otherwise changed or modified by appropriate action of the Borough Council, refuse shall be collected at such times and with such frequency as established in Exhibit A attached hereto.
- F. Fees for collection.

1. Editor's Note: Exhibit A is on file in the Borough offices.

- (1) Fees for the collection shall be in accordance with the fees established between Council and its Franchisee in accordance with a duly authorized resolution of Council. [Amended 4-14-2009 by Ord. No. 295]
- (2) Said charges shall be made on a monthly billing, or as otherwise set forth in the Franchise Agreement, on forms generated by and mailed to the customer directly from the Franchisee. The Borough Council and the Franchisee reserve the right at any time, by appropriate action, to modify the method by which billings are made.

§ 211-5. Description of refuse collection as established under franchise agreement.

All refuse collection and garbage removal that is agreed to be performed by the Franchisee is as set forth in detail on the attached Exhibit A.²

§ 211-6. Violations and penalties.

- A. Any person who shall violate the provisions of this article shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.³
- B. Each day's continuance of a violation of this article may constitute a separate offense.
- C. In the event of any unauthorized accumulation of refuse on any premises is hereby declared that such accumulation be considered a nuisance, and therefore, prohibited. Upon the failure to remove any existing accumulation of refuse, a violation of this article shall occur, which shall subject such violator to the penalties provided herein.
- D. In addition to the above penalties, the Borough shall also have available any other remedies in law or equity, to enjoin violations or to enforce compliance for damages.

2. Editor's Note: Exhibit A is on file in the Borough offices.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).