

ORDINANCE NO. 1 - 10 - 03

AN ORDINANCE PROHIBITING THE ACCUMULATION, BURYING AND BURNING OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN THE TOWNSHIP OF FRANKLIN, REQUIRING THAT ALL GARBAGE, RUBBISH AND OTHER REFUSE BE CONVEYED TO A DUMPING AREA DESIGNATED BY THE TOWNSHIP FOR ULTIMATE DISPOSAL BY THE SANITARY LAND FILL METHOD; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS; AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS ONLY BY A COLLECTOR AUTHORIZED BY THE TOWNSHIP; AND PROVIDING FOR THE AWARD OF A CONTRACT OR CONTRACTS TO A COLLECTOR OR COLLECTORS FOR THE COLLECTION OF GARBAGE, RUBBISH AND REFUSE IN SAID TOWNSHIP AND THE SETTING OF SPECIFICATIONS FOR THE SAME; AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF FRANKLIN HEREBY ORDAINS:

SECTION 1. Short Title. This ordinance shall be know as the "Refuse Disposal Ordinance".

SECTION 2. Definitions. The following words and terms as used in this ordinance shall have the meaning ascribed thereto, unless the content clearly indicates a different meaning.

"BOARD OF SUPERVISORS" - Board of Supervisors of the Township of Franklin.

"COLLECTOR" OR "COLLECTORS" - any person, firm, co-partnership, association or corporation who has been awarded a contract by the Township to collect, transport and dispose of refuse for a fee as prescribed herein.

"COMBUSTIBLE REFUSE" - all paper, excelsior, rags, rubber, shoes and such other refuse which may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

"GARBAGE" - all table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for use for which reason they are discarded.

"HAZARDOUS WASTE" - waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to explosives, toxic materials, radioactive and medical waste. For purposes of this ordinance, hazardous waste does not include small quantities of such waste available on a retail basis to the

homeowner such as aerosol cans, pesticides, fertilizers and similar items disposed of in small quantities.

“INCOMBUSTIBLE REFUSE” - all discarded articles or materials, except sewage, liquid waste, garbage and combustible refuse.

“PERSON” - any natural person, association, partnership, firm or corporation.

“REFUSE: - all combustible refuse and in combustible refuse referred to collectively.

“RIFF-RAFF” - all miscellaneous waste materials not otherwise included herein as ashes, tin cans, pottery, pruning from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.

“TOWNSHIP” - the Township of Franklin, a municipal body of Fayette County, Pennsylvania.

SECTION 3. From and after the effective date of this ordinance and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the said Township, garbage, refuse, riff-raff and combustible or incombustible refuse, and rubbish, for a period in excess of seven (7) days. The accumulation or storage of hazardous waste upon private property in the said Township is prohibited.

SECTION 4. Mandatory subscription to waste collection services; liability for costs of waste collection services; billing and assessment of waste collection services; default in payment and imposition of penalties and service fees.

- a. All persons and/or entities occupying and/or owning dwellings, multiple dwellings, apartments, commercial, industrial or any other type of structures or parts thereof in the Township, shall utilize and subscribe to the garbage, refuse, rubbish and riff-raff collection and disposal service and make payment to the collector(s) awarded a contract by the Township to collect, transport and dispose of garbage, refuse, rubbish and riff-raff, as set forth in this ordinance.
- b. Notwithstanding subparagraph (a) above, any person(s) who own(s) dwellings, multiple dwellings, apartments, commercial, industrial or any other type of structures or parts thereof in the Township which they do not occupy, or which they let to others, or which they permit others to occupy, shall be jointly and severally responsible and liable with the occupant(s) of the said structure for the cost of garbage collection, transportation and disposal which is assessed by the collector(s) awarded a contract by the Township pursuant to the provisions herein.

- c. No person shall dispose of their garbage refuse, rubbish or riff-raff except as provided in this section, except nothing herein contained shall prevent the use of a device commonly known as a disposal which is attached to a sink and connected into a sewer.
- d. The owner(s) or primary tenant(s) or primary occupant(s) of each occupied dwelling, multiple dwelling, apartment, commercial, industrial or other type of structure shall receive a quarterly bill for the cost of waste collection, in an amount as determined by the contract awarded by the Township, from the collector which is awarded the said contract encompassing the area of the premises.
- e. Each separately or independently occupied unit within a dwelling, apartment building, town-house complex or other structure will be assessed separately for the cost of waste collection. Duplex houses shall be assessed as at least two (2) separate units, unless the house is not used and occupied as two (2) separate units.
- f. Owner(s), primary tenant(s) or primary occupant(s) who are billed for waste collection services hereunder, shall remit payment for those services directly to the collector which is awarded the said contract to collect waste from the particular premises for which the bill is issued.
- g. If, after being sent a bill for waste collection services by the contractor, the owner(s), primary tenant(s) or primary occupant(s) of a unit fail to remit payment to the collector by the date upon which such a bill is due and payable, the owner(s), primary tenant(s) and/or primary occupant(s) shall be deemed to be in violation of the provisions of this ordinance.
- h. In the event that the owner(s), primary tenant(s) or primary occupant(s) of a unit fail to pay the collector within five (5) days after a bill becomes due and payable, the collector(s) may, in its/their discretion, impose a service charge or late fee upon such individuals of not more than fifteen percent (15%) of each overdue bill, subject to the terms and conditions of the collector's(') contract with the Township. Such service charge or late fee may be imposes in addition to any other remedy sought by the collector or penalty imposed upon the owner(s), tenant(s) or occupant(s) of a unit.

SECTION 5. Storage Particles.

- a. Preparation of refuse:
 - 1. All refuse shall be drained free of liquids before disposal.
 - 2. Garbage shall be wrapped in paper, plastic or similar material before being placed in an approved refuse container.

3. All cans, bottles or other food containers which are otherwise not suitable for recycling shall be rinsed free of food particles and drained before disposal.
4. Rubbish shall be (1) placed in an approved refuse container, or (2) cut and bailed, tied, bundled, stacked or packaged so as not to exceed 50 pounds in weight, except as may otherwise be provided herein.

b. Approved refuse containers:

1. Refuse containers shall be made of durable, water-tight, rust resistant material having a close fitting lid and handles to facilitate collection, or may be common garbage/trash bags made of durable plastic and tied or otherwise securely fastened to contain the waste therein.
2. Refuse containers for residences shall be of not less than 15 gallons, nor more than 25 gallons in capacity, and shall be provided by the owner, tenant or occupant of the premises being serviced by the collector(s).
3. 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 cleanly through rinsing and draining as often as necessary.
4. Notwithstanding the provisions herein, householders, commercial establishments or other persons may, by agreement with the collector(s) be permitted to place a dumpster at a certain agreed place upon their premises.

c. Storage of refuse:

1. Each householder, commercial establishment or person having refuse shall provide himself with approved refuse containers, and shall place and keep all refuse therein; except as provided herein for the handling of rubbish and riff-raff.
2. It shall be unlawful to place or store any garbage, refuse, rubbish, riff-raff, or hazardous waste in any street, alley, stream body of water or any other public place, or upon private property, whether owned or not, except as otherwise provided herein. No person shall bring in, nor permit any other person to bring upon his property, any garbage, refuse, rubbish, riff-raff, or hazardous waste into the Township for disposal, unless such person operates an authorized sanitary landfill, recycling center or similar authorized operation for disposal of such waste, and the said waste is placed or stored upon the said premises

for the purpose of lawful disposal or recycling.

d. Allowable amount of refuse:

1. Each separately assessed unit shall place no more than an average of six (6) 25 gallon containers per week for collection.

SECTION 6. Collection Practices:

a. Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector. They shall be placed at the front of each building (no alley ways) from which collection is to be made as designated by the Township.

b. Notwithstanding provisions of the above paragraph, householders, commercial establishments, or other persons may, by agreement with the collector(s) be permitted to place containers at other agreed places upon their premises.

c. Frequency of collection:

1. Refuse shall be collected not less than once per week.
2. Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection, if determined by the governing body to be essential to protect the public health.
3. Apartment buildings and multiple-unit establishments or institutions having more than fifteen units shall have as frequent collection as necessary to protect the public health. Such buildings or establishments having less than fifteen units shall be treated as separate residences, with each apartment or unit being required to have collection on the same basis as a single residence, unless each resident and/or the owner of the apartment enters into an agreement with the collector(s) for placement of a dumpster upon the premises, in which case collection will occur as agreed by the collector(s) and the residents and/or owner. But in no case shall collection occur less than once per week.
4. The collector(s) shall designate two days each year, one day each half-year for the collection of riff-raff, and shall notify the public for such designated days through the news media. On such designated day, the collector(s) will, without additional charge, pick up and article of riff-raff that is placed at the designated location for regular collections. Provided, however, that in the event the collector(s) is required to go into the dwelling or building to pick up

such riff-raff, a special charge will be made.

d. Awarding of contract:

1. The Township shall advertise for bids for a contract or contracts for the collection of garbage refuse, rubbish and riff-raff and a contract or contracts shall be awarded to the lowest bidder(s), at specifications which are set by the Board of Supervisors.
2. Only the person or persons who enter(s) into a contract with the Township shall be permitted to collect in the Township.

SECTION 7.

- a. Following the enactment of this ordinance, the said Township shall prepare specifications for bidding for one or more contracts covering the collection, removal, and disposal of garbage, refuse, rubbish and riff-raff and shall advertise for bids, given such notice as it may deem adequate for the purpose, and reserving to the Township the right to reject any or all bids.
- b. At a time and place appointed by the Township for submission of such bids, the same shall be opened and tabulated by the Board of Supervisors. If a satisfactory bid is submitted by a collector deemed to be responsible bidder, the Board of Supervisors shall award to such bidder a contract for the collection, removal and transporting to a designated dumping area or station for ultimate disposal by the sanitary land fill method.
- c. The Board of Supervisors reserves the right to and may in its discretion divide.
- d. The Board of Supervisors is specifically authorized to and may in its discretion collect a franchise of operating fee in an amount of no less than five thousand (\$5,000) dollars from the person or persons awarded the contract(s) for collection.

Section 8. Disposal of refuse. It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of refuse within the jurisdictional limits of the Township, except as otherwise provided herein, at the designated and approved refuse disposal site; providing, however, for the burning of lawn, shrub and tree trimmings and garden refuse as may from time to time be specified by the Board of Supervisors.

Section 9. No person, firm or corporation shall use or permit to be used any spot or place within the Township as a public or private dump for garbage, refuse,

rubbish or riff-raff or other waste material, unless otherwise specifically authorized by the Board of Supervisors of the said Township.

Section 10. No person shall accumulate garbage, rubbish, riff-raff or other refuse material upon private property in the Township except in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish, riff-raff or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish, riff-raff and other refuse materials within thirty (30) days after the effective days of this ordinance shall be deemed a violation of this section of the ordinance.

Section 11. The collection of garbage, rubbish, riff-raff or other refuse material in the Township and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the Board of Supervisors.

Section 12 (12A). Enforcement of ordinance: The failure of any person to comply with any term, provision, requirement or mandate under this ordinance shall constitute a violation here of. All actions for enforcement of this ordinance shall be brought as follows:

- a. As a summary offense, before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall, upon conviction, thereof, in a summary proceeding before a District Justice, be sentenced to pay fine of not less than three hundred (\$300) dollars nor more than one thousand (\$1000) dollars and costs of prosecution, and/or a term of imprisonment up to ninety (90) days, per violation. Each day that a violation continues after initial notice of the violation has been served shall constitute a separate offense; or
- b. As a civil action in law or equity, before a District Justice in the same manner provided for under the Pennsylvania Rules of Civil Procedure or District Justice Rules. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be assessed a civil penalty of not less than three hundred (\$300) dollars nor more than one thousand (\$1000) dollars, court costs and reasonable attorney fees incurred by the Township in the enforcement proceeding, per violation. Each day that a violation continues after initial notice of the violation has been served shall constitute a separate offense.

SECTION 12 (12B). Empowerment to enforce ordinance: In addition to those individuals, agents or officers generally empowered to enforce the ordinances of

Franklin Township, the collector(s) who is/are awarded the contract(s) to collect waste, as described herein, is/are hereby authorized and empowered to institute any civil and/or criminal action on behalf of Franklin Township to enforce the provisions of this ordinance. Nothing herein shall be construed to limit the authority or ability of the Franklin Township Board of Supervisors, Franklin Township Code Enforcement Officer(s), or other law enforcement agencies, or any other agent of the Franklin Township Board of Supervisors to enforce this or any other ordinance.

SECTION 13. In any sentence, clause of 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 or sections or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not have been included herein.

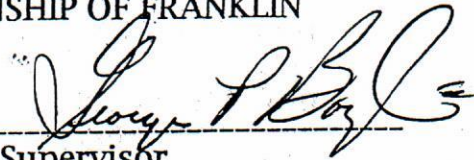
SECTION 14. All ordinance or parts of ordinances inconsistent herewith be, and in the same are, hereby repealed.

THIS ORDINANCE shall become effective on the 2nd day of October, 2003.

Ordained and enacted this 2nd day of October, 2003.

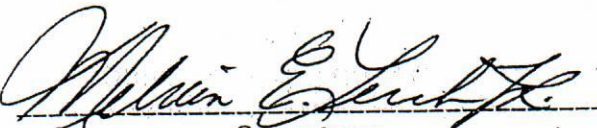
ATTESTED:

TOWNSHIP OF FRANKLIN

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor

 (Seal)
Secretary