

FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 1973 - 1

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE BOROUGH OF FELTON, YORK COUNTY, PENNSYLVANIA, BY REGULATING STORAGE PRACTICES, MANNER OF COLLECTION, AND METHODS OF DISPOSAL OF REFUSE; REQUIRING THAT ALL REFUSE COLLECTORS BE LICENSED; REQUIRING THAT ALL COLLECTORS DISPOSE OF REFUSE AS HEREIN DESCRIBED; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be it ordained by the Borough Council of the Borough of Felton, York County, Pennsylvania, and it is hereby ordained by the Authority of the same, as follows:

Section 1. Short Title. This ordinance shall be known as the 'Felton Borough Refuse Ordinance'.

Section 2. Definitions.

- A. The term 'garbage' shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.
- b. The term 'ashes' shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
- C. The term 'rubbish' shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.
- D. The term 'refuse' shall mean all solid wastes except body wastes and shall include garbage, ashes, and rubbish.
- E. The term 'disposal' shall include the storage, collection, disposal, or handling of refuse.

F. The term "person" shall include any natural person, association, partnership, firm, or corporation.

G. The term "bulky rubbish" shall include discarded furniture, large household appliances such as refrigerators, washing machines, bathtubs, sinks, and commodes.

H. The term "dwelling unit" shall mean any house, apartment, group of rooms or part of a building occupied or suitable for occupancy by a single family unit.

I. The term "business establishment" shall mean any office, hotel, motel, boarding house, and any building, group of buildings or part of a building occupied or capable of being used for the conduct of a business, commercial, industrial or institutional purpose.

J. Other: The singular shall include the plural, and the masculine shall include the feminine and the neuter.

Section 3. Preparation of Refuse and Storage Practices.

REFUSE PREPARATION

A. Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, watertight, easily washable containers, equipped with handles and tight-fitting covers.

B. Ashes shall be stored in fire-resistant containers equipped with handles and tight-fitting covers. Ashes containing hot embers shall not be collected until they have been adequately quenched.

C. Rubbish shall be stored in durable containers with tight-fitting covers. Tree trimmings, hedge clippings, old newspapers and similar materials, which cannot be conveniently placed in the aforementioned containers shall

be baled, tied or sacked in compact bundles less than three (3) feet in length and placed in a location easily accessible to the collector.

D. Bulky Rubbish shall not be allowed to accumulate on any premise except in containers which are approved by the Borough Council in accordance with the specifications contained in this ordinance.

E. No person shall place refuse in any street, alley, or other public place, or upon any private property within the limits of Felton Borough, unless it is placed in a proper refuse container for collection. Likewise, no person shall throw or deposit refuse in any stream or any other body of water.

F. 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 three (3) days after the effective date of this ordinance shall be deemed a violation of same.

G. Certain materials, such as scrap lumber and fire wood, may be stored and kept on the premises, but they shall be stored so that a minimum clear space of twelve (12) inches above the ground surface is provided.

REFUSE STORAGE

All refuse storage shall conform to the following standards:

A. General

1. All refuse receptacles shall be provided by the owners, tenant or occupant of the premises, unless otherwise specified.
2. The storage of all refuse by residents of Felton Borough shall be practiced so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful

to public health or which create safety hazards, odors, unsightliness, and public nuisances.

3. A sufficient number of containers necessary to meet the intent of Paragraph 2 shall be provided to contain all waste materials generated between regularly scheduled collections, provided, however, that each dwelling unit and business establishment shall be limited to a maximum of four (4) containers per collection.

B. Individual containers

1. Individual containers utilized for the storage of refuse at household and other premises shall have the following physical characteristics:

a. Constructed in such manner as to be easily handled for collection.

1) Not greater than 15 gallons capacity for garbage storage.

2) Not greater than 32 gallons capacity for combined refuse storage.

b. Constructed of rust and corrosion resistant materials.

c. Be equipped with tight-fitting lids.

d. Constructed in such manner as to be watertight, leak-proof, weatherproof, insect-proof and rodent-proof.

e. Shall not exceed fifty (50) pounds in weight when filled.

2. Methods of use of individual containers.

a. Containers shall not be filled to the point where the lid will not fit properly.

b. The area around the container(s) shall be kept clean.

C. Disposable Containers

1. Disposable containers such as paper and polyethylene bags shall be acceptable for storage of refuse provided the following conditions are met:

a. Only those bags specially designed for storage and collection shall be used.

b. Bags are protected against precipitation, animal damage and overloading to prevent littering or attracting of vectors.

c. Bags have holding strength capable of withstanding stresses until they are collected.

d. Bag opening is securely closed prior to setting out for collection.

D. Bulk Containers

Bulk containers for commercial, industrial, and institutional refuse shall meet the General and Individual Container Requirements previously set forth except for size limitations. Bulk containers shall be sized according to the type and quantity of waste production, equipment handling capabilities, and the frequency of collection.

E. Open Storage

1. Certain wastes of a non-decomposable nature may be stored temporarily in a manner other than containerization.

a. In order to minimize littering, magazines, newspapers, waste paper, tree prunings, brush and yard trimmings, when stored outside of containers, shall be tied securely in bundles of such size as to be readily handled by the collection system.

- b. Tires and out-sized wastes such as furniture and appliances shall be stored so that water accumulation and rodent harborage are prevented.

Section 4. Collection Practices

PLACE OF COLLECTION

- A. For collection purposes, except where there is an agreement with the collector to the contrary, refuse containers shall be placed at ground level, on the property, not within the cartway of a street or alley and easily accessible from the side of the street or alley from which collection is made.

FREQUENCY OF COLLECTION

- B. Refuse shall be collected:
 - 1. Twice weekly.
 - 2. Annually for bulky rubbish during spring clean-up.

Section 5. Licensing of Refuse Collectors

A. Only a person licensed by Felton Borough, York County, Pennsylvania, may collect refuse within the territorial limits of said Borough.

B. An authorized collector is one who has entered into a contract with or has been granted a license by Felton Borough, York County, Pennsylvania, for the specific purpose of collecting and disposing of refuse.

C. The fee for such license shall be \$10.00 per year, or fraction thereof, and all licenses shall be issued by the Borough Council.

D. Failure of a licensed collector to comply with the provisions of this ordinance shall result in the revocation of his license.

Section 6. Collection Vehicles

A. Except for the collection of bulky rubbish as designated in Section 4, B-2 of this Ordinance, all vehicles used for the collection of refuse shall have watertight enclosed metal bodies of easily cleanable construction, equipped with compaction devices and shall be maintained at all times in a safe and sanitary condition.

Section 7. Disposal of Refuse

A. No person shall hereafter dispose of any refuse collected in Felton Borough, York County, except by conveyance to a disposal facility operated by the York County Solid Waste and Refuse Authority or licensed or approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

Section 8. Refuse Collection and Disposal - Fees

Felton Borough, in order to provide refuse collection and disposal service, hereby levies and imposes the following fees:

A. The fee for collection and disposal of refuse from each separate dwelling unit shall be \$36.86 per year, payable on or before the first day of July of each year. Provided, however, that no fee shall be charged for the period from September 1, 1973, through October 31, 1973, and that the fee charged for the period November 1, 1973, through December 31, 1973, shall be \$7.20. The fee charged for said interim period from November 1, 1973, through December 31, 1973, shall be payable on November 15, 1973, and an additional penalty of five (5%) percent shall be added thereto if not paid on or before December 15, 1973.

B. The fee for collection and disposal of refuse from each business establishment shall be the same as set forth above for a dwelling unit, unless the maximum number of containers per collection regularly exceeds the limit of four (4) containers per collection as set forth herein, in which case the owner of such business establishment shall enter into a

separate contract with the authorized collector or other collector licensed by the Borough for the collection of refuse. Upon satisfactory proof of such contract for collection, Borough Council shall excuse or exempt the owner of such business establishment from the payment of the fee levied hereunder.

C. If the fees or charges imposed by this Section (other than the fee for the interim period from November 1, 1973, through December 31, 1973, as provided in sub-section A of this Section) are not paid within thirty (30) calendar days after July 1, of each year, an additional penalty of five (5%) percent shall be added thereto. In addition, if such fees or charges are not paid within thirty calendar days after July 1, of each year, the Borough shall have the right to terminate collection of refuse from such property upon ten (10) days written notice to such owner.

D. The fees or charges imposed by this Section shall be a lien on the property benefited by such refuse collection service, and if said fees or charges are not paid on or before December 31, of each year, at the discretion of the Borough, they shall be filed as a lien against the aforesaid property so benefited, which lien shall be filed in the Office of the Prothonotary of York County, Pennsylvania, and shall be collected in the manner provided by law for the collecting of municipal claims and liens.

Section 9. Penalties

A. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, in a summary proceeding before any District Magistrate or Justice of the Peace, be sentenced to pay a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars, together with costs of prosecution and, in default thereof, to undergo imprisonment in the York County Jail for a period not exceeding thirty (30) days.

B. Each day's continuance of a violation of this ordinance shall constitute a separate offense.

C. The Contractor collecting refuse within Felton Borough shall be subject to the following additional charges or penalties:

1. For not collecting garbage, refuse, ashes or rubbish, as agreed: One Dollar (\$1.00) per container.
2. For over-loading trucks or using leaky or unsanitary trucks: Five Dollars (\$5.00).
3. For failure to collect on day specified: Twenty Dollars (\$20.00).
4. For damage to disposal cans by reason of rough handling by Contractor's employees: One Dollar (\$1.00) per can.
5. For wilfully destroying disposal cans without owner's consent: Five Dollars (\$5.00) per can.
6. For unauthorized change in scheduled route: Ten Dollars (\$10.00) per day.
7. For missing a complete collection without authorization of Borough Council, which collection is not made up on another day specified by Borough Council: Two Hundred Dollars (\$200.00).

The above provided charges or penalties may be withheld by the Borough from payments due said contractor under the contract entered into between the Borough and the Contractor.

Section 10. Conflict of Ordinances, Effect of Partial Invalidity

A. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people

shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of Felton Borough existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health, and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

B. The provisions of this Ordinance are severable. If any sentence, clause, or section 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 of the Ordinance. It is hereby declared to be the intent of the Borough Council of Felton Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

Section 11. Effective Date of Ordinance

A. The effective date of this ordinance shall be the 1st day of September, 1973, with the exception that Section 7A shall become effective at such time as the York County Solid Waste and Refuse Authority's disposal facility becomes operational.

DULY ENACTED AND ORDAINED this 6th day of August, 1973, by the Council of the Borough of Felton, York County, Pennsylvania, in lawful session duly assembled.

Attest:

Kathryn S. Shultz
Secretary

FELTON BOROUGH COUNCIL

By: Richard E. Dale
President

Approved this 6th day of August, 1973.

Ronald E. Atkins
Mayor