

## **Chapter 90 GARBAGE, RUBBISH**

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**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 8-10-1979 as §§ 5.1 through 5.19 of Ch. 5 of the Code of Ordinances; amended in its entirety 11-14-1994 by Ord. No. 94-5. Subsequent amendments noted where applicable. Section 90.2.1 was amended 10-13-2008 by Ord. No. 2008-04. Amended Section 90.7(A)(3) on 12-18-2000 by Ord. no. 2000-08. Amended Sections 90-7(A)(1) and 90-7(A)(2) on 12-8-2015 by Ord. No. 2015-02.]**

#### **GENERAL REFERENCES**

Brush, grass and weeds — See Ch. 57.  
Junkyards — See Ch. 103.  
Littering — See Ch. 108.  
Solid waste — See Ch. 142.  
Abandoned and junked vehicles — See Ch. 156.

#### **§ 90-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**GARBAGE** — Any solid waste derived from animal, grain, food or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

**PERSON** — Any individual or individuals, company, partnership, association, firm or corporation.

**RUBBISH** — Consist of ashes, cans, waste, broken or worn-out materials, papers, books, litter and refuse in general. The term "rubbish" shall not include solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. Further, the term shall not refer to tires, batteries or any other solid waste or combination of solid waste as defined in Act 97 of the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

## **§ 90-2. Forbidden locations.**

It shall be unlawful to keep, burn or suffer to remain on any person's premises any garbage, rubbish or other offensive or unwholesome matter or to cast the same upon any vacant lot or upon any lot or piece of ground belonging to this borough or highway, street or alley or upon the shores or margins or without or upon any of the streams within this borough or so near the limits hereof as to annoy or be offensive.

### **§ 90-2.1 Prohibited activities.**

It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal within the Borough of South Greensburg.

## **§ 90-3. Public nuisances.**

Any violation of this chapter is hereby declared to be a public nuisance, and the person violating the same, in addition to paying the fine and costs imposed, shall pay the costs of removing the same by the borough.

## **§ 90-4. Method of removal; garbage from outside borough.**

All garbage and rubbish accumulated within the Borough of South Greensburg by borough residents or businesses located within the borough shall be collected and removed by the borough under the direction of the Street Commission and shall be disposed of by said Street Commission under the authority of the Borough Council. It shall be unlawful for any person or business to deposit garbage, rubbish or other refuse for collection within the borough, which garbage, rubbish or other refuse has been brought into the Borough of South Greensburg from outside borough limits.

## **§ 90-5. Contracts for collection.**

A contract under this chapter shall from time to time be let to the lowest responsible bidder, after due advertisement according to law, which contract may contain, in addition to the requirements of this chapter, such other provisions not in conflict herewith as may be deemed advisable to incorporate herein, and such contract shall be executed by the President and Secretary of Council on behalf of the borough.

## **§ 90-6. Length of contract.**

The first contract to be under this chapter shall be for a period of one (1) year and thereafter for such period as Council may deem proper.

#### **§ 90-7. Collection charges.**

The collection charges shall be as designated by Council pursuant to §1-16 herein.

- A. There is hereby imposed upon the property owners or the users of the garbage and refuse collection service provided by the borough in or on all property situate within the corporate limits of the borough's garbage and refuse collection system a service charge for said collection of garbage and refuse according to the above stated rates, payable as hereinafter provided. The service charges shall begin to accrue from and after October 1, 1978 and said owners and users shall be jointly and severally liable for the payment of the service charges and the penalty herein described for delinquent payment thereof.
- B. All bills for collection service charges shall be issued quarterly. The first quarterly bill each year shall state the annual collection service charge, and a five-percent discount shall be allowed on annual collection service charge bills paid within thirty (30) days from the date of the bill.
- C. Quarterly bills for collection service charges shall be due when rendered and shall be subject to a penalty of ten percent (10%) if not paid by the end of the first month of the applicable quarter in which the quarterly bill was rendered.
- D. In addition, should said quarterly bills remain unpaid at the end of the calendar year in which said quarterly bills were rendered, then, in that event, interest at the rate of ten percent (10%) per annum shall be due on the face amount of said billings, said interest charges commencing the first day of the first calendar year following the calendar year in which said quarterly bills have been rendered.
- F. Such collection service charges shall be collectible by the borough in any manner as provided by law in such cases, including by action of assumpsit or by a lien to be filed and collected in the same manner as municipal claims.

#### **§ 90-8. Vehicle specifications.**

The contractor shall be required to collect and remove garbage, rubbish and other refuse from the borough in a motor-driven vehicle or vehicles, which shall be equipped with watertight beds constructed of an impervious material and while in transit shall be covered with a tarpaulin or other covering similar thereto and to so conduct the collection, removal and transportation of the garbage, rubbish and other refuse under such contract so as to assure general sanitation through the entire process and operation thereof and shall not be overfilled so as to endanger fouling the highways. The vehicle so used shall be cleaned at sufficiently frequent intervals to prevent any nuisance from odors.

#### **§ 90-9. Disposal site.**

The contractor shall empty all containers in a clean manner so as not to foul the premises or highways. The contractor shall also be required at his own cost and expense to furnish, maintain and operate without the borough limits a dump or incinerator or other means of disposing of the garbage, rubbish and other refuse of sufficient size to dispose of the maximum quantity of garbage, rubbish or other refuse collected by him and to furnish at his own cost all vehicles, machinery and equipment necessary for the proper performance of such contract, except that he shall not be required to furnish the container or receptacle contemplated to be provided by the person using or occupying the premises from which garbage shall be collected.

#### **§ 90-10. Garbage containers.**

Every person from whose premises garbage is gathered shall place the same in a portable container, made of metal or other nonabsorbent material, watertight with a handle or handles on the outside, and with a tightly fitting cover to hold said garbage and to weigh not more than sixty (60) pounds when filled.

**§ 90-11. Condition of containers.**

All garbage cans or containers shall be kept in a sanitary condition by the person from whose premises said garbage is to be collected. All garbage shall be carefully wrapped in dry paper before being placed in the garbage container, and no more water shall be allowed or permitted in the garbage than naturally accumulates from table refuse.

**§ 90-12. Container size.**

All containers for rubbish and other refuse shall be of sturdy and durable material and shall not weigh more than sixty (60) pounds when filled.

**§ 90-13. Collection schedule.**

The collection schedule shall be set and approved by the Sanitation Commission.

**§ 90-14. Collection points.**

On the days when collection of garbage, rubbish and other refuse is to be made, the person from whose premises it is accumulated shall place the container at a point on the alley or street or on the premises where it is readily accessible to collectors and where no alley exists, just inside the pavement line of street.

**§ 90-15. Violations and penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof before any District Justice, be subject to a fine not exceeding six hundred dollars (\$600.) and costs or, in default of payment of the fine and costs, to imprisonment in the county jail for not more than thirty (30) days.

**§ 90-16. Exemptions.**

This chapter specifically exempts all persons who live alone and have income, both earned and unearned including Social Security and pension payments, of less than four thousand dollars (\$4,000.) per year. Also exempted are households with two (2) or more persons who have joint income, both earned and unearned and including Social Security and pension payments, of less than eight thousand dollars (\$8,000.) per year. However, any persons claiming the exemptions as herein provided are hereby required to make application to the Council of the Borough of South Greensburg or its designated agent by January 31 of any calendar year for those persons who are residents or property owners of the Borough of South Greensburg on the first day of January of each calendar year; and for those persons who become residents or property owners in the Borough of South Greensburg after January 1 of any calendar year, they shall make application within thirty (30) days after receipt of the first billing for collection services.