

PORTLAND BOROUGH
ORDINANCE NO. 159

AN ORDINANCE RELATING TO SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE ESTABLISHMENT OF A COLLECTION AND DISPOSAL SERVICE FOR ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED BY PRIVATE RESIDENCES IN THE BOROUGH OF PORTLAND; MAKING REGULATIONS FOR THE COLLECTION AND DISPOSAL OF ALL SUCH GARBAGE, RUBBISH AND ASHES AND FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITHIN THE BOROUGH OF PORTLAND AND AUTHORIZING THE PORTLAND BOROUGH COUNCIL TO MAKE ADDITIONAL REGULATIONS RELATING THERETO; PROVIDING FOR THE AWARD OF A CONTRACT THEREFOR; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND SUCH REGULATIONS.

Be it ordained and enacted under the authority granted by an Act of the General Assembly, the Borough Code, Act No. 581 of February 1, 1966, Section 1202 (11), as amended and supplemented:

Section 1. The following words and terms, as used in this Ordinance, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning:

"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 such use or which are for any reason discarded.

"Combustible rubbish" - All paper, straw, excelsior, rags, rubber, shoes and such other rubbish, including leaves, as may result from ordinary housekeeping or residential pursuits and which may be burned by fire.

"Incombustible rubbish" - All discarded articles or materials except sewage, liquid waste, garbage and combustible rubbish.

"Ashes" - Means the residue from the burning of wood, coal, coke and other combustible materials for the purposes of heating and cooking.

"Refuse" - All garbage, combustible rubbish, incombustible rubbish and ashes, referred to collectively, and more fully described above.

"Person" - May be any natural person, association, partnership, firm or corporation.

Section 2. Scope of Ordinance. The provisions in this Ordinance for a contract for collection and disposal of refuse, pertain to collection from private residences within the Borough of Portland. Collection and disposal of refuse from hotels, motels, schools, restaurants, business establishments, industrial plants, and the like, shall be a separate and private transaction between the collector and said hotels, motels, schools, restaurants, business establishments, industrial plants, and the like, individually.

Section 3. No person except the contractor designated as herein provided in Section 4, shall collect refuse from the private residence of any other person for conveyance for disposal, nor shall any person except the aforementioned contractor haul any refuse from private residences for any other person within the Borough of Portland or from any point within such Borough to any place or location outside the Borough limits.

Provided, however: The prohibitions contained in this Section shall not apply to any person who shall haul his own refuse or waste materials from construction or demolition work, having first provided himself with the proper conveyance in which such refuse or waste materials can be conveyed in such a manner as not to be a source of annoyance or unpleasant odors and so as not to leak, drip, or to be scattered upon any of the streets or alleys of the Borough.

The provisions in this Ordinance shall not serve to prevent any person from disposing of his own refuse on his own property, provided that said disposal does not constitute a nuisance and does not violate any other Ordinance of the Borough or laws of the Commonwealth of Pennsylvania.

Section 4. The contract for the exclusive right to collect refuse from residential premises in the Borough of Portland, and for the conveyance and disposal thereof, shall be awarded from time to time, for such period of time as shall be determined by the Portland Borough Council, to the lowest responsible bidder, following the procedure prescribed by the Pennsylvania Borough Code for the award of contracts in excess of \$1,500.00. Such contracts shall fix and regulate, in a manner not inconsistent with the terms of this Ordinance, as the Portland Borough Council shall direct, the total price to be charged by such contractors, and the manner, method and time of collecting and conveying refuse. The person to whom such

contract shall be awarded shall, before undertaking any of his duties thereunder, give bond to the Portland Borough Council in the sum and with such security as the Borough shall require, conditioned for the faithful compliance with the terms of the contract.

Section 5. Each person for whom the said contractor shall collect refuse shall prepare such refuse in the following manner: All garbage shall be drained of liquid, insofar as practicable, and shall be placed in sanitary, covered cans, not to exceed 20 gallons capacity, made of non-absorbent material, provided with handles and closely fitted covers, and no can when filled, shall exceed 60 pounds in weight. Such cans shall be furnished by the customer, shall be cleaned by him following each collection, and shall be replaced by such customer when no longer in good condition. All combustible rubbish shall be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise while awaiting collection. All incombustible rubbish shall be of units that can be handled by one person and shall be placed on containers or piled or assembled in such a way as to facilitate collection. All refuse receptacles shall be placed for collection at ground level on the property of the residence from which it is to be collected, and accessible to and not more than ten feet from the side of the State or Borough road that abuts the property, or, if the property of the residence does not abut a State or Borough road, refuse receptacles shall be placed on that portion

of the road right of way that abuts or is closest to the entrance-way or lane to said property. No refuse shall be placed for collection earlier than 8:00 o'clock of the evening prior to a scheduled collection date.

Section 6. The Portland Borough Council may provide for the payment of the cost and expense of collection of said refuse, as hereinabove set forth, either in whole or in part, out of the funds of the Borough, or by the imposition and collection of reasonable fees and charges based on the assessment of residential units, or by any combination thereof.

Section 7. Except as is hereinabove provided, no person shall throw, place or deposit refuse on any road, street, highway or other public place, or on or in any public or private property and no person shall overturn or empty the contents of a container on either public or private property or shall any person otherwise dispose of the contents of a container other than the authorized collector or his agents.

Section 8. Any person who shall violate any of the provisions of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25.00 or more than \$100.00 and costs of prosecution, and in default of payment of such fine and costs, to imprisonment of not more than ten days. Provided: each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

Section 9. It is the intention of the Portland Borough Council that each separate provision of this Ordinance shall be independent of all other provisions herein and it is further the intention of said Portland Borough Council that if any of the provisions of this Ordinance be declared to be invalid, all of the other provisions hereof shall remain valid and in force.

ORDAINED AND ENACTED INTO AN ORDINANCE this 5th day of SEPT. 1972.

PORTLAND BOROUGH COUNCIL

By: Wallace C Stone
President of Council

ATTEST:

Harry J Bellis
Secretary

Approved this 5th day of SEPT. , 1972

Billie H Holden
Mayor

ATTEST:

Harry J Bellis
Secretary