

ORDINANCE NO. 240

AN ORDINANCE REGULATING THE MANNER OF COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND/OR ASHES, REGULATING THE ESTABLISHMENT AND MAINTENANCE OF PUBLIC OR PRIVATE DUMPS WITHIN THE LIMITS OF FREEPORT BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA, REQUIRING THAT ALL COMMERCIAL COLLECTORS AND HAULERS, INCLUDING OTHER MUNICIPAL COLLECTORS AND HAULERS, OF GARBAGE, RUBBISH AND/OR ASHES, AND ALL OPERATORS OF PUBLIC OR PRIVATE DUMPS BE LICENSED, AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

The Borough of Freeport hereby ordains as follows:

Section 1: That for the purposes of this Ordinance, the following definitions shall apply:

(a) The term "garbage" for the purposes of this Ordinance, shall consist of all vegetable and animal waste, including offal, carcasses, fat, bone, swill and animal and vegetable matter, or other organic substance, subject to fermentation or decay, resulting from the storage, handling, consumption and preparation of food.

(b) The term "rubbish", for the purposes of this Ordinance, shall consist of mixed and waste fragments resultant from the use of household necessities, including but not limited to glass, china, metal, tin, wood, leather, rubber, carpeting, prunings from vines and shrubbery, and other foreign matter but excepting ashes and garbage.

(c) The term "ashes", for the purposes of this Ordinance, shall include coal ashes, coke ashes, wood ashes and ashes resulting from other fuels used for cooking and heating purposes.

(d) The term "person", as herein used, shall be taken to mean an individual or individuals, company partnership, firm, association or corporation.

(c) The term "commercial establishment", as herein used, shall be interpreted to mean all persons, firms, partnerships, associations or corporations who own or operate stores, restaurants, industries, institutions and other similar places, public or private, charitable or non-charitable, which in the operation of said commercial establishment has or accumulates garbage, rubbish and/or ashes, in and about its premises, or elsewhere.

Section II: No garbage or rubbish shall be allowed to accumulate by throwing, dumping, seepage, leaking or falling off on the ground, on the highway, on vacant lots, on premises, or any public or private property, into any stream or other body of water, and any such accumulation by throwing, dumping, seepage, leakage or falling off, of garbage or rubbish shall constitute a nuisance and be a violation of the terms of this Ordinance, subjecting any such violator to prosecution under the provisions of this Ordinance.

Section III: No person shall permit to accumulate upon the premises any garbage, rubbish and/or ashes except in containers that are rust resistant, watertight, non-absorbent, easily washable, and covered with close fitting lids. All garbage shall be carefully wrapped in paper before placed in the garbage container. No more water shall be allowed or permitted in garbage than naturally accumulates from table waste.. All containers shall be kept in a sanitary condition and shall be of adequate capacity and provided in sufficient numbers to hold all garbage that accumulates between collections. All garbage containers except those used by commercial establishments shall not exceed 26 gallons in capacity.

Section IV: It shall be unlawful for any person to engage in the gathering, collection and hauling of garbage, rubbish and/or ashes in Freeport Borough without first obtaining a license from the Council of said Borough. All persons desiring such licenses as commercial or public collectors and haulers shall immediately present a written application to the Council

offensive odors escaping therefrom and to prevent said ashes, garbage and rubbish from being blown upon or spilled upon any street, walk or alley of the Borough. Every conveyance shall have plainly printed thereon the name of the licensee, the number of the license issued therefor, and shall be kept in a sanitary condition at all times.

Section VII: It shall be the duty of all licensed dump operators to establish, maintain and operate a dump only in an area approved by the Council of Freeport Borough and must be in accordance with a sanitary landfill method whereby garbage, rubbish and/or ashes of all types is collected together, compacted in a layer and each layer covered with six (6) inches of earth, and the last layer to have two (2) feet of earth, and said operation must at all times comply with the terms of this Ordinance and with the sanitation laws of the Commonwealth of Pennsylvania, and the rules and regulations of the Pennsylvania Department of Health governing the establishment, maintenance and operation of a sanitary landfill disposal area, and at their own expense and cost to furnish, maintain, acquire and operate said private dump in compliance with this Ordinance.

Section VIII. (a) Any person or persons, firm or corporation, violating any of the terms of this Ordinance shall on conviction thereof before any Justice of the Peace of the Borough be subject to a fine of not less than \$10.00 or more than \$50.00, and costs of prosecution, for each separate offense; and in default of payment thereof, shall be committed to the Armstrong County jail for a period of not more than five (5) days for each separate offense, with the right of appeal, as in other cases of summary conviction.

(b) All fines levied, assessed and paid under the terms of this Ordinance shall be payable by the District Magistrate to the Treasurer of the Borough for the general use of the Borough.

of said Borough, setting forth the intention to collect and haul said garbage, rubbish and/or ashes in accordance with the provisions of this Ordinance, the equipment and property to be used in said business and such other information as the application may require. The Council, upon being satisfied that the applicant can provide said service, and that charges are reasonable, may grant said license for a year. The fee for such license shall be \$35.00 per annum and all such licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof, and without reduction in the fee for a license issued after the beginning of any calendar year. The Borough Council shall have power to revoke any such license upon failure of the licensee to furnish service in accordance with the terms of this Ordinance.

Section V: It shall be the duty of all licensed collectors and haulers of garbage, rubbish and/or ashes to collect or to have facilities available for the collection of all garbage, rubbish and/or ashes from all residences within Freeport Borough at least once a week and from all commercial establishments at least twice a week, and said collections shall be made between the hours of sunrise and sunset; and at their own expense and cost, to furnish, lease or acquire, maintain and operate all vehicles, machinery and equipment necessary to properly operate as a licensed collector.

Section VI: (a) All persons, firms or corporations collecting garbage, ashes and rubbish in Freeport Borough and transporting the same upon the streets and alleys of the Borough, shall haul the same only in conveyances and receptacles tightly closed on the bottom and sides so as to prevent said garbage, ashes or rubbish from spilling, dropping or falling to the streets, alleys or highways.

(b) All conveyances hauling such garbage, ashes or rubbish shall be so operated and covered so as to prevent

Section IX: Any ordinance, or part of any ordinance, conflicting with the provisions of this Ordinance shall be and the same is hereby repealed.

ADOPTED this 18th day of July 1973

BOROUGH OF FREEPORT

ATTEST:

By Kenneth L. Wille  
President of Council

Elizabeth J. Cantone  
Secretary

Approved this 19th day of July A.D., 1973.

J. W. Brent, Jr.  
Mayor of Borough of Freeport

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Borough Solicitor

AMENDMENT TO ORDINANCE NO. 240

AN AMENDMENT TO THE ORDINANCE OF FREEPORT BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA, IN RE LICENSE REQUIRED FOR COMMERCIAL COLLECTION FEE.

Section 24. LICENSE REQUIRED FOR COMMERCIAL COLLECTION FEE IS hereby amended to read as follows:

It shall be unlawful for any person to engage in the gathering, collection and hauling of garbage, refuse, rubbish and/or ashes in Freeport Borough without first obtaining a license from the Council of said Borough. All persons desiring such licenses as commercial or public collectors and haulers shall immediately present a written application to the Council of said Borough, setting forth the intention to collect and haul said garbage, refuse, rubbish and/or ashes in accordance with the provisions of this ordinance, the equipment and property to be used in said business and such other information as the application may require. The Council upon being satisfied that the applicant can provide said service, and that charges are reasonable, may grant said license for a year. The fee for such license shall be Fifty (\$50.00) Dollars per annum and all such licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof, and without reduction in the fee for a license issued after the beginning of any calendar year. The Borough Council shall have the power to revoke any such license upon failure of the licensee to furnish service in accordance with the terms of this ordinance.

ORDAINED AND ENACTED INTO LAW, this 10th day of February

1981.

ATTEST:

BOROUGH OF FREEPORT

Elizabeth Bartone  
Secretary

By: Thomas W. Dale  
President of Council

APPROVED this 10th day of February, 1981.

By: Robert Sawolke  
Mayor