

**BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2017-06**

**AN AMENDMENT TO THE BOROUGH OF BOWMANSTOWN MUNICIPAL SOLID
WASTE MANAGEMENT PROGRAM FEES FOR RESIDENTIAL COLLECTION;
PAYMENT.**

WHEREAS, by Ordinance 2017-03, dated May 2, 2017, the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania, adopted an ordinance entitled "An Ordinance of the Borough of Bowmanstown, Carbon County Establishing a Municipal Solid Waste Management Program Within the Borough of Bowmanstown" (the "Municipal Solid Waste Management Ordinance");

WHEREAS, the Borough Council finds it necessary and appropriate to amend Section VI of the Municipal Solid Waste Management Ordinance pertaining to Fees for Residential Collection and Payment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Bowmanstown, Carbon County, Pennsylvania, and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same, as follows:

1. **Section VI. Fees for Residential Collection; Payment Subsection D.** is hereby deleted and replaced; as follows:


D. All bills shall be considered delinquent if not paid within twenty (20) days after the date of the bill, and bills which are not paid within twenty (20) days after the date of the bill shall be subject to a penalty of five (\$5.00) dollars. If delinquent sewer and garbage accounts are not paid in full, any partial payments made on the accounts shall be applied to the garbage bill prior to any portion of the payment being applied to the sewer account. If the sewer account becomes delinquent, the Bowmanstown Borough Authority may terminate water service until all past due rents are paid in accordance with the provisions of Ordinance No. 99-1, as amended.
2. **SEVERABILITY**, If any article, clause, provision or portion of this Ordinance or regulation incorporated here shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, clause, provision or portion of this Ordinance or regulation.

3. **REPEALER**, All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.


EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption.

DULY ORDAINED AND ENACTED this 5th day of December, 2017, by the Borough Council of Bowmanstown, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF BOWMANSTOWN**


Kara Scott, President

ATTEST:


Tracy L. Burbage, Secretary

Approved this 5th day of December 2017.


William H. Ravert, Mayor

WILLIAM H. RAVERT
MAYOR OF BOWMANSTOWN
CARBON COUNTY
MY COMMISSION EXPIRES
JANUARY 2, 2018

**BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2017-03

**AN ORDINANCE OF THE BOROUGH OF BOWMANSTOWN, CARBON COUNTY
ESTABLISHING A MUNICIPAL SOLID WASTE MANAGEMENT PROGRAM
WITHIN THE BOROUGH OF BOWMANSTOWN**

WHEREAS, the Borough Council finds it necessary and appropriate to provide for the health, safety and welfare of the Borough's citizens by establishing a municipal solid waste management program within the Borough of Bowmanstown.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Bowmanstown of Carbon County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of the same, as follows:

SECTION I. **TITLE.**

This ordinance shall be known as and may be cited as the "Borough of Bowmanstown Municipal Solid Waste Management Ordinance."

SECTION II. **DEFINITIONS.**

ASHES – The residue from the brining of wood, coal, coke or other combustible materials.

COMMERCIAL UNIT – Any business, charitable organization, or industrial establishment which is not included under the definition of "residential unit."

GARBAGE – Includes any offal or refuse of fish, fruit, vegetable or animal matter or any other organic substance subject to fermentation or decay.

MUNICIPAL SOLID WASTE – All garbage and refuse normally placed by persons for regular collection within the Borough.

PERSON – A natural person, firm, partnership, association, school, church, institution or corporation.

REFUSE – Garbage, ashes, rubbish and ruffraff as herein defined.

RESIDENTIAL UNIT – A structure or part thereof, whether or not occupied, used for or as a dwelling of humans, containing cooking facilities and including, but not limited to, single-family detached dwellings, single-family semidetached dwellings, single-family attached dwellings, apartments, townhouses and mobile, but not including hotels.

RIFFRAFF – All material not included in the definitions of "garbage," "refuse," "rubbish,"

and “ashes,” but shall include new or used furniture, tires, other machinery such as washing machines, refrigerators, stoves, bicycles and any large waste materials not commonly produced from the ordinary conduct of housekeeping.

RUBBISH – Includes paper, rags, street sweepings, dead animals, excelsior, straw, boxes, old clothes, mattresses, old shoes, leather scrap, oilcloth, carpet, Christmas trees, prunings from vines, lawn trimmings, grass, trash and any and all other flammable waste materials which result from the ordinary conduct of housekeeping.

SECTION III. RESIDENTIAL UNIT COLLECTION.

A. All garbage, rubbish and ashes accumulated in the Borough of Bowmanstown from residential units shall be collected, conveyed and disposed of by the collection service of the Borough of Bowmanstown, in accordance with the regulations of this Ordinance and any other applicable regulations of the Borough.

B. The cost for the residential collection service as defined under this Ordinance and as fixed from time to time by the Council of the Borough of Bowmanstown shall be borne and paid for by the owner of the residential unit, and the cost of such service shall be paid for as provided in the schedule of fees set forth in Section VI hereof.

C. The collection and disposal of residential refuse in the Borough of Bowmanstown shall be under the supervision of the Borough Council. They shall have the authority to make authorized regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection and disposal as they may deem advisable and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

D. All persons owning and/or occupying residential units within the Borough of Bowmanstown shall dispose of all garbage, rubbish, ashes and Christmas trees by means of the Borough collection service, and no such person or persons shall transport or dispose of any refuse by any means not approved by this Ordinance.

E. Ownership of garbage, rubbish, ashes or Christmas trees properly set out for collection shall be vested in the Borough of Bowmanstown.

SECTION IV. CONTAINERS AND PACKAGING.

A. All households shall provide individual containers of not less than five-gallon nor more than forty-gallon (40) capacity, which containers shall have tightly fitting covers, shall be windproof, shall be equipped with handles and shall be designed to be carried by one person, and the occupants and proprietors of the places where ashes, refuse and rubbish are accumulated shall provide a sufficient number of containers so that the aggregate capacity shall be sufficient for normal needs between the intervals of collection; provided, however, that the total loaded weight of any such container shall be not more than forty (40) pounds, and provided further that it shall be the responsibility of each and every household to maintain said containers in proper

condition for the storage of said materials therein and the handling thereof by the employees of the collection service.

- B. Plastic bags or waste containers may be used for materials appropriate to such usage; provided, however, that the total loaded weight of the plastic containers shall not exceed forty (40) pounds or the wet breaking strength of the plastic container, whichever is less.
- C. Prunings from vines, bushes and trees will not be collected and disposed of by the Borough collection service unless they are cut and bundled separately in lengths not less than twelve (12") inches nor more than forty (40") inches, and each bundle shall weigh not more than forty (40) pounds. No pieces of prunings from vines, bushes or trees shall be placed in any returnable metal containers unless said materials are in individual pieces less than six inches in length.
- D. All newspapers and magazines shall be securely bound into units not exceeding forty (40) pounds in weight by binding material that shall not be weakened by exposure to rainy weather.
- E. Not more than five bundles of pruning from vines, bushes or trees or newspapers and/or magazines shall be set out on any single collection day.
- F. Paper boxes shall not be used as containers for any garbage or ashes, and, whenever used for other rubbish, ruffraff or any other disposable item, they shall not exceed forty (40") inches in dimension, shall not exceed forty (40) pounds in total loaded weight and shall be the sole responsibility of the person using same in the event of rain, snow, sleet, etc.
- G. No acceptable waste shall be placed or allowed to be placed or shall remain in container on or along any public street, alley, sidewalk or curb or between the sidewalk and curb prior to twenty-four (24) hours before the specified day for collection. Empty containers shall be removed no later than dusk the day following the collection.

SECTION V. UNAUTHORIZED ACCUMULATION.

- A. For reasons of sanitation, health, cleanliness and safety, it shall be unlawful for any person, firm or corporation to burn, bury or otherwise dispose of ashes, refuse or rubbish within the limits of the Borough except as herein provided. Such materials shall not be permitted to accumulate on any private property and shall be disposed of through Borough or private collection at such intervals and in such manner as not to be a menace or nuisance to public health, sanitation, cleanliness or safety, provided that nothing in this section shall be construed to prevent the use of clean ashes for fill in such places where ashes are a suitable material, where the use shall not be a detriment to public cleanliness and where this use of clean ashes for fill is duly authorized by the owner of the property involved.
- B. Unauthorized accumulation of refuse shall include any refuse stored or accumulated, which refuse is not in containers and packaging set forth in Section IV of this Ordinance.

SECTION VI. FEES FOR RESIDENTIAL COLLECTION; PAYMENT.

- A. The fees for the residential collection and disposal service shall be determined by resolution of the Borough Council. Public notice of the fee schedule shall be made by the Borough Secretary.
- B. All bills for the residential collection and disposal service shall be rendered monthly to the owner of each property based on the number of residential units in or on said property, and the bill shall thereupon be immediately due and payable at the place designated on the bills rendered for the same.
- C. The property owner shall be solely responsible for notifying the Borough, in writing, at the time of billing, if there are more or less residential units on his property than what he/she has been billed for, and, upon failure of a property owner to so notify, he/she shall be liable for payment of all fees based on the number of residential units the Borough shall determine, along with penalties applicable from the date on which any additional unit or units should have been first billed.
- D. All bills shall be considered delinquent if not paid within twenty (20) days after the date of the bill, and bills which are not paid within twenty (20) days after the date if the bill shall be subject to a penalty of ten (10%) percent. If a delinquent account is not paid within sixty (60) days from the date of the bill, the Borough Secretary or the Collector shall refer the account to the Borough Solicitor with instructions to proceed for the collection of such unpaid charges, together with all penalties thereon and including costs of compelling payment, by an action in assumpsit or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

SECTION VII. COMMERCIAL UNIT COLLECTION.

All commercial units shall have the authority to employ any refuse contractor to collect their refuse, provided that the contractor complies with all of the sections of this Ordinance and other applicable regulation of the Commonwealth and/or Carbon County. If the owner of a commercial unit located in the Borough of Bowmanstown desires collection of garbage, refuse and ashes accumulated as a result of operations within the Borough, the owner shall notify the Borough. The Borough shall have the option of refusing to provide said collection. In the event the Borough agrees to provide said collection, the Borough shall establish a fee for the collection, which fee and billing procedures shall be determined by the Borough Council. The Borough shall have the right to terminate collection service for any commercial unit by giving the owner of said commercial unit thirty (30) days' written notice of its intent to do so.

SECTION VIII. PROHIBITED ACTS.

On and after the date of the approval of this Ordinance, pursuant to the authority contained in this Ordinance:

- A. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Bowmanstown or dispose of any refuse accumulated in said Borough in any manner not approved of by this Ordinance or subsequent regulations.
- B. It shall be unlawful for any person to place any refuse in any street, alley or other public place or upon private property, whether owned by such person or not, within the Borough, except in proper receptacles for collection. No person shall throw or deposit any refuse in any stream or other body of water.
- C. It shall be unlawful for any person not a resident of the Borough of Bowmanstown to deposit any garbage, refuse or riffraff at or near any residential unit for collection and disposal of same.
- D. It shall be unlawful for any person to accumulate refuse on any premises in the Borough of Bowmanstown, except for the purpose of storage for collection in the manner provided by this Ordinance or by specific regulations of Borough Council. The time for storage for collection shall not exceed the next regular collection day (date) (i.e., all refuse stored on any premises must be properly placed out for collection on the next regular collection date). Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulations of refuse within two (2) days of notice to either the occupant or owner by the Borough or designated agent shall be deemed a violation of this Ordinance. Notice may be by a personal service on the occupant or owner (whoever resides at the premises) or by certified mail addressed to the occupant or owner. Any subsequent or later unauthorized accumulation of refuse on a premises within one year of the date of the original notice shall be a violation of this section without further notice.
- E. It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored or the collector, to remove the covers of any of the refuse receptacles or to remove the refuse stored in such containers.
- F. It shall be unlawful for any person to place any refuse, garbage, trash or wet lawn trimmings, etc., in a plastic bag or plastic container of any kind for collection and/or disposal if the size of the bag or container exceeds forty (40") inches in any dimension or whenever the weight of the contents of the plastic bag or container exceeds forty (40) pounds or the wet breaking strength of the bag or container, whichever is the greater.
- G. It shall be unlawful to place in any containers provided for refuse collection any wearing apparel, bedding or refuse from premises where highly infectious or contagious diseases have prevailed or any highly flammable or explosive refuse.
- H. It shall be unlawful to haul refuse over the streets of the Borough of Bowmanstown in any vehicle other than a watertight vehicle provided with a tight cover so as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped or spilled therefrom. No refuse shall be dumped or disposed of within the limits of the Borough of Bowmanstown.

I. It shall be unlawful for any person to store refuse in containers and packaging not authorized by this Ordinance.

SECTION IX. VIOLATIONS AND PENALTIES.

A. Except where specific maximum penalties are provided elsewhere in a law of the Commonwealth or in another ordinance of the Borough for a particular violation, person, whether as principal, agent or employee, violating or assisting in the violation of any provisions of this Ordinance or of any regulations made by Council under the provisions hereof shall, by doing any act prohibited or declared to be unlawful thereby or declared to be a violation thereby, or who shall fail to do any act required by any such provisions, or who shall fail to do any act when such provision declares such failure to be unlawful or to be a violation, shall, upon conviction thereof, be punishable by a fine not exceeding Six Hundred (\$600.00) Dollars and costs of prosecution, collectible as provided by law, or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. In unjustified default of payment of any fine and costs, said violator may also be imprisoned for a term not exceeding thirty (30) days. After notice, each day's neglect to comply with the provisions of this Ordinance or any such regulations shall be deemed a separate offense and shall be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first conviction.

SECTION X. SEVERABILITY.

If any article, clause, provision or portion of this Ordinance or regulation incorporated here shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, clause, provision or portion of this Ordinance or regulation.

SECTION XI. REPEALER.

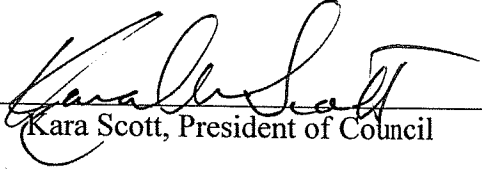
All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION XII. EFFECTIVE DATE.

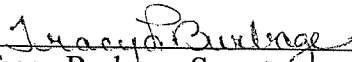
This ordinance shall be effective immediately after its adoption.

DULY ENACTED AND ORDAINED this 2nd day of May, 2017, by the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania in lawful session duly assembled.

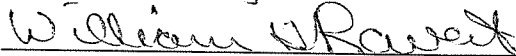
BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA

BY: 
Kara Scott, President of Council

ATTEST:


Tracy Burbage, Secretary

EXAMINED AND APPROVED this 2 day of May, 2017.


William Ravert, Mayor

WILLIAM H. RAVERT
MAYOR OF BOWMANSTOWN
CARBON COUNTY
MY COMMISSION EXPIRES
JANUARY 2, 2018