

## **Chapter 20**

### **Solid Waste**

#### **Part 1**

#### **Refuse**

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**Part 1****Refuse****§20-101. Short Title.**

This Part shall be known as the “Refuse Ordinance.”  
(*Ord. 1972-1, 8/7/1972, §1*)

**§20-102. Definitions.**

*Ashes* - the residue resulting from the burning of wood, coal, coke, or other combustible material.

*Borough* - the Borough of Lewisberry, York County, Pennsylvania.

*Bulky rubbish* - discarded furniture, large household appliances such as refrigerators, washing machines, bathtubs, sinks, and commodes.

*Disposal* - the storage, collection, disposal, or handling of refuse.

*Garbage* - all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.

*Other* - the singular shall include the plural, and the masculine shall include the feminine and the neuter.

*Person* - any natural person, association, partnership, firm, or corporation.

*Refuse* - all solid wastes except body wastes and shall include garbage, ashes, and rubbish.

*Rubbish* - glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.

(*Ord. 1972-1, 8/7/1972, §2*)

**§20-103. Preparation of Refuse and Storage Practices.****1. Refuse Preparation.**

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

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

C. Rubbish shall be stored in durable containers with tightfitting 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 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 premises except in containers which are approved by the Borough of Lewisberry in accordance with the specifications contained in this Part.

E. No person shall place refuse in any street, alley, or other public place, or

upon any private property within the limits of the Borough of Lewisberry, 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 10 days after the effective date of this Part 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 12 inches above ground surface is provided.

H. A "bulk container" shall be defined as a container having a capacity to hold 1 cubic yard or more of garbage, rubbish, or refuse. [Ord. 1986-4]

I. All bulk containers shall be stored in an enclosed area, building or structure within the property lines of each property. [Ord. 1986-4]

J. The owner of any building containing three or more family units must provide a bulk container for the use by the residents of the building. [Ord. 1986-4]

K. The owner of any property containing at industrial or institutional use must provide a bulk container available for such use. [Ord. 1986-4]

L. No container shall be placed on the street for collection earlier than 2 p.m. on the day preceding the regular collection day and all containers must be removed from the street by 6 p.m. on the day of collection. [Ord. 1986-4]

2. *Refuse Storage.* All refuse storage shall conform to the following standards:

A. *General.*

(1) All refuse receptacles shall be provided by the owner, tenant, or occupant of the premises, unless otherwise specified.

(2) The storage of all refuse by residents of the Borough of Lewisberry 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 subparagraph (2) shall be provided to contain all waste materials generated between regularly scheduled collections.

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 20 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 tightfitting lids.

(d) Constructed in such manner as to be watertight, leak-proof,

weatherproof, insect-proof, and rodent-proof.

(e) Shall not exceed 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.* Disposable containers such as paper and polyethylene bags shall be acceptable for storage of refuse provided the following conditions are met:

(1) Only those bags specially designed for storage and collection shall be used.

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

(3) Bags have holding strength capable of withstanding stresses until they are collected.

(4) 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.* Certain wastes of a nondecomposable nature may be stored temporarily in a manner other than containerization.

(1) In order to minimize littering, magazines, newspapers, waste paper, tree trimmings, 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.

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

(*Ord. 1972-1, 8/7/1972, §3; as amended by Ord. 1986-4, 10/6/1986, §1*)

#### **§20-104. Collection Practices.**

1. *Place of Collection.* 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.

2. *Frequency of Collection.* Refuse shall be collected:

A. Once weekly.

B. Large items or bulky rubbish at such time or times as designated by Borough Council. [*Ord. 2007-2*]

(*Ord. 1972-1, 8/7/1972, §4; as amended by Ord. 2007-2, 12/17/2007*)

#### **§20-105. Authorization of Refuse Collectors.**

1. Only a person authorization by the Borough of Lewisberry, York County, Pennsylvania, may collect refuse within the territorial limits of Lewisberry Borough.

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

3. No licensed collector shall dispose of any refuse collected in the Borough of Lewisberry, York County, Pennsylvania, except by conveyance to a place of disposal operating under permit from the Pennsylvania Department of Environmental Protection. Contractor shall state in writing the name, location, and type of facility that he will use for disposal. [*Ord. 2007-2*]

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

(*Ord. 1972-1, 8/7/1972, §5; as amended by Ord. 2007-2, 12/17/2007*)

#### **§20-106. Collection Vehicles.**

Except for the collection of bulky rubbish as designated in §20-104.2.B of this Part, all vehicles used for the collection of refuse shall have watertight enclosed metal bodies of easily cleanable construction, equipped with compaction devices.

(*Ord. 1972-1, 8/7/1972, §6*)

#### **§20-107. Disposal of Refuse.**

No person shall hereafter dispose of any refuse collected in the Borough of Lewisberry, York County, except by conveyance to a disposal facility approved by the Pennsylvania Department of Environmental Protection.

(*Ord. 1972-1, 8/7/1972, §7; as amended by Ord. 2007-2, 12/17/2007*)

#### **§20-108. Penalties.**

1. Any person who shall violate any provision of this Part, upon conviction, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [*Ord. 2007-2*]

2. Each day's continuance of a violation of this Part shall constitute a separate offense.

3. The contractor collecting refuse in the refuse collection districts agrees that the Borough Treasurer shall be authorized to deduct from payments due or to become due the contractor, the following amounts for each offense as a penalty.

A. For over-loading trucks or using leaky or filthy trucks: \$25. [*Ord. 1986-4*]

B. For failure to collect on day specified without legitimate reasons such as truck damage, inclement weather strikes, etc.: \$100. [*Ord. 1986-4*]

C. For willfully destroying disposal cans without owner's consent: \$15. [*Ord. 1986-4*]

4. The above provided penalties are to be so withheld if a violation here stated is proved to the satisfaction of the Lewisberry Borough Council.

(*Ord. 1972-1, 8/7/1972, §8; as amended by Ord. 1986-4, 10/6/1986, §1; and by Ord. 2007-2, 12/17/2007*)

**§20-109. Charges Imposed; Billing and Collection Thereof.**

1. Charges are hereby imposed upon and shall be collected from the owner of each improved tract of real estate situate within the Borough for the availability of the refuse collection service provided by the Borough in the amount as established from time to time, by resolution of Borough Council. [*Ord. 2007-2*]

2. Such charges shall be billed monthly for the current month. [*Ord. 2007-2*]

3. The amount of any bill not paid on or before the 25<sup>th</sup> day of the month in which the same is rendered shall be increased by 10 percent.

4. Every owner of each improved tract of real estate within the Borough shall provide the Borough with and thereafter shall keep the Borough advised of his correct address. Failure of any person to receive the bill for refuse collection charges shall not be considered an excuse for nonpayment nor shall the failure result in an extension of the period of time during which the bill shall be payable.

5. The charges imposed by this ordinance shall be a lien upon each improved tract of real estate and any such charges which are not paid within the period set forth in subsection .3, above, at the discretion of the Borough, shall be filed as a lien against the aforesaid property, 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 filing and collection of municipal claims.

(*Ord. 1972-1, 8/7/1972; as added by Ord. 1974-1, 4/1/1974, §10; as amended by Ord. 1986-4, 10/6/1986, §1; and by Ord. 2007-2, 12/17/2007*)

