

## PART A

### Municipal Waste

**Section 101. Definitions.** The following words, when used in this ordinance, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

Ashes. The residue from the burning of wood, coal, coke or other combustible materials for the purpose of heating or cooking.

Basement Level. As used in determining fees, penalties, discounts and delinquents, basement level shall mean a location inside a building and not immediately inside an unlocked door on ground level.

Brush. Woody material trimmed from trees or shrubs too large to be placed for collection in organic materials carts. Such material is processed by Municipal employees through a chipper for recycling into compost or mulch.

Building Waste. Any and all refuse or residue resulting directly from building construction, reconstruction, repair or demolition; from grading or other incidental work in connection with any premises.

Building Debris. Debris resulting from minor non-commercial repairs to a private dwelling by the owner or occupant, shall be classified as refuse or ruffraff.

Commercial. As used in determining fees, penalties, discounts and delinquents, shall mean all premises in the commercial area of the Municipality as set forth in the Zoning Map thereof served by municipal containers, plus other premises served by municipal containers, as set forth in Section 106 of this Chapter.

Commercial Apartments. A multi-family building which utilizes, for refuse collection and disposal purposes, an approximate 6- or 8-cubic-yard metal box or boxes as a refuse container, which boxes are owned or provided by the owner of the multi-family building or by the Municipality, and located on the same or adjoining premises, into which all refuse from the multi-family building is placed by the property owner or tenants and which can be, and presently is, loaded mechanically by front-loading type trucks.

Compost Piles. A pile consisting of straw, cornstalks, hay, garden rubbish, clean garbage, grass clippings, leaves, weeds, peat, sawdust and appropriate limes and fertilizer for the purpose of improvement of soil. Compost piles shall not be considered as being within the definition of garbage or refuse as set forth herein.

Department. The Department of Public Works of the Municipality.

Family. Either an individual or 2 or more persons related by blood or marriage, or a group of not more than 3 persons not related, living as a single housekeeping unit in a dwelling unit.

Garbage. The animal, fruit and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and the residue from fruit trees located on the premises. It shall not include more than a minimum amount of free liquids. It shall not include food processing wastes from industries, such as canneries or packing plants nor large quantities of condemned food products.

Hazardous Refuse. Any refuse, the handling or disposal of which would constitute a danger to municipal employees, municipal property or any handler of such refuse, and shall include but not be limited to: acids, explosives, highly combustible material and the like.

Importing Refuse. The bringing of refuse from a location where such refuse is generated or accumulated, which location is outside the corporate limits of the Municipality, into any location within the Municipality for disposal of any type.

Industrial Refuse. Any and all residue resulting directly from industrial or manufacturing operation. It shall not include waste originating from commercial operations or an industrial establishment. It shall not include waste resulting from operations in connection with the construction of buildings, building or repairing of streets or buildings, demolition or excavation.

Litter. All waste material, garbage, trash, refuse, and other substances including, but not limited to, cigarette butts, plastic and paper wrappings which, if thrown, scattered, or deposited, as herein prohibited, tends to injuriously affect public health, safety, and welfare or tends to have a detrimental or unsightly impact on the environment.

Occupant. The owner occupying any part of the premises or a tenant or renter of such premises.

Owner. The owner of the premises within the Municipality or any agency or other person employed by him to manage or maintain such premises.

Person. A natural person, firm, co-partnership, association, school, church, institution or corporation.

Premises. A building or group of buildings constituting a single property and the lot or parcel of land on which such building or buildings is located.

Refuse. Garbage, ashes, rubbish, riff-raff, commercial refuse, industrial refuse, dead animals and building waste as herein defined.

Restaurant (Class I). A place of business where food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a cafe, lunch counter, cafeteria or other similar business but shall not include a Restaurant (Class II). In a restaurant, any facilities for carry-out shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises.

Restaurant (Class II). Any establishment whose principal business is the sale of food and beverages in a ready-to-consume state for consumption, either within the building or for carry-out off the premises, and whose design or principal method of operation includes the following: foods and beverages usually served in disposable or edible containers; self-service with customers expected to clean up after themselves; and posted menus.

Riff-Raff. All waste materials not included in the definition of "garbage," "ashes," or "rubbish" too large for collection in the ordinary containers, as set forth herein, such as furniture, tanks, stoves and the like.

Rubbish. All waste materials not included in the definition of "garbage," "ashes" and "riff-raff," except building rubbish from building construction or recreation, industrial refuse, dead animals, abandoned large machinery or vehicles or such other waste materials as are not commonly produced in homes, stores and institutions.

Townhouse. One of a number of residential units within a common structure, each of which occupies both the ground and second floor and has a private, on-grade entrance.

(Ordinance 984, November 5, 1980, Section 1, as amended by Ordinance 1486, December 20, 1995, Section 1, Ordinance 1625, May 22, 2000, Section 1, Ordinance 1734, December 31, 2002, Section 1, and by Ordinance 2012, February 4, 2013.)

## **Section 102. Administration.**

**a.** All refuse accumulated in the Municipality shall be collected, conveyed and disposed of by the Municipality.

**b.** The cost of such service and the responsibility of payment therefore shall be borne by the owner of premises from which said refuse is collected or upon which premises said refuse is accumulated and disposed of. In addition, the actual occupant of any such premises, as referred to in the preceding paragraph, shall be responsible for the payment of fees as hereafter specified and the Municipality may require payment from either the owner, the occupant or any other person

producing refuse or responsible for the existence of disposal thereof or for whom such refuse is removed. No agreement between an owner and occupant or other person shall relieve the owner of any premises from liability for payments as set forth hereinafter.

c. Nothing in this Section shall be deemed to prevent or prohibit the use of garbage units discharging into sanitary sewers, which use, however, shall not affect the schedule of fees or charges.

d. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Municipality or dispose of any refuse accumulated in the Municipality in any manner not approved in this ordinance or subsequent regulations.

e. All persons within the Municipality shall dispose of collectible refuse by the municipal collection service only and shall not transport or dispose of refuse by any other means. The Department shall be responsible for the collection and disposal of all refuse in the Municipality and shall be under the supervision of the Director of Public Works. He shall have authority to make regulations concerning the days of collection, type and location of containers demanding special consideration and not sufficiently covered in this ordinance, and such other matters pertaining to the collection and disposal, as he may deem advisable, which are not contrary to the provisions hereof. The decision of the Director of Public Works maybe appealed to the Municipal Manager and to the Municipal Council, which may confirm, modify or revoke any regulations.

f. Collectors of refuse from outside the Municipality who desire to haul over the streets of State College shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. Such disposal shall be made outside the municipal limits.

g. Ownership of refuse material set out for collection shall be vested in the Municipality.

h. It shall be unlawful and a violation of this ordinance for any person to import refuse into the Municipality, as defined in Section 101.

(Ordinance 984, November 5, 1980, Section 2, as amended by Ordinance 2012, February 4, 2013.)

**Section 103. Residential Pre-Collection Practices.** All properties served by individual cart collection shall be provided carts by the Municipality for regular refuse and, at the option of the resident or owner, for organic materials. Curbside organic materials collection is provided by designated organics carts for weekly collection, loose leaf collection during announced periods in spring and fall, and brush chipping/collection on a call-in basis. These materials shall be placed for collection not later than 7:00 a.m. on the scheduled collection day, shall be within three (3) feet of the curb and three (3) feet from any obstruction, and shall not be in any other container or corral. Materials should be prepared for collection as follows:

**a.** Regular refuse shall be placed in carts provided by the Municipality for such collection. Lids must be closed on the carts to prevent the disturbance or scattering of the materials by pests.

(1) All rubbish, litter, cold ashes and small building debris shall be drained of liquid and bagged before being deposited for collection in the regular refuse container.

(2) If not participating in separate organic materials collection, all garbage must be drained of free liquids and closed in plastic bags or paper bags before being deposited for collection in the regular refuse container. No person shall deposit leaves or grass clippings in a regular refuse cart for collection.

**b.** If participating in separate organics collection, organic materials shall be placed in carts provided by the Municipality for such collection, and shall be placed within three (3) feet of the curb for collection by the Municipality. Lids must be closed on the carts to prevent disturbance or scattering of the materials by pests.

(1) All garbage, before being placed in the organics container for collection, shall have drained from it all free liquids and must be placed in the organics cart for collection.

(2) Small hedge clippings, garden gleanings, waste from fruit and nut trees, grass clippings, small quantities of leaves and small branches that will fit shall be placed in the organics cart for collection.

**c.** At-house collection may be arranged for regular refuse only, for a single container per dwelling unit, and at an additional fee. Organic materials placed for separate collection must be presented at the curb for collection.

**d.** Tree trimmings, hedge clippings and similar material shall be disposed of as riff-raff under Section 108 if the same cannot be placed in the organics cart for collection.

**e.** No person shall permit any refuse to remain in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Municipality, except it be in proper receptacles for collection, unless such material is placed for riff-raff collection as bulky items under Section 108 and proper arrangements made for its collection.

**f.** Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and shall be deemed a violation of this ordinance.

**g.** It shall be unlawful for any person other than the occupants of the premises on which collection carts are stored, or the collector, to remove the covers of any of the carts or to remove the refuse stored in such carts.

(Ordinance 2012, February 4, 2013, as amended by Ordinance 2028, November 18, 2013, Section 1.)

**Section 104. Commercial Pre-Collection Practices.** All properties served by commercial collection containers for regular refuse shall prepare materials for collection as follows:

a. All rubbish, litter, cold ashes and small building debris shall be drained of liquid and bagged before being deposited for collection.

b. Lids must be closed on the containers to prevent the disturbance or scattering of the materials by pests.

c. No person shall permit any refuse to remain in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Municipality, except it be in proper receptacles for collection, unless such material is placed for riff-raff collection as bulky items under Section 108 and proper arrangements made for its collection.

d. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and shall be deemed a violation of this ordinance.

e. It shall be unlawful for any person other than the occupants of the premises on which collection containers are stored, or the collector, to remove the covers of any of the containers or to remove the refuse stored in such containers.

f. It shall be unlawful to park or place a vehicle such that the dumpster container cannot be emptied by the collection crew of the Department. Any person who parks or places a vehicle such that the dumpster container cannot be emptied shall be in violation of this ordinance and subject to the penalties contained herein.

(Ordinance 2012, February 4, 2013)

**Section 105. Compost Piles.** Compost piles not located within the front yard or side yard of any lot shall be permitted on such lot or premises so long as the said compost pile does not create a health hazard or nuisance. (Ordinance 984, November 5, 1980, Section 4, as amended by Ordinance 2012, February 4, 2013.)

**Section 106. Refuse Carts, Organic Materials Carts, and Commercial Containers.**

a. A sufficient number of residential refuse and organic materials carts shall be provided by the Municipality based upon the number of residential units served. The owner or occupant of the dwelling served may select from the available sizes of carts provided by the Municipality. All carts shall remain the property of the Municipality.

b. No cart shall be so filled that the lid will not fit tightly.

c. It shall be the responsibility of the occupant of the premises to keep all carts in a sanitary condition. All carts shall be maintained in good condition, and property owners or occupants shall notify the Department promptly of any maintenance needed on any cart.

d. All refuse and organic materials carts shall be marked for identification by the Municipality.

e. More than one family or living unit on the same premises may use the same carts but each family must pay the established rate as though a separate container is being used.

f. Commercial containers, owned and supplied by the Municipality, shall be located at various locations throughout the commercial area of the Municipality, as set forth in the Zoning Map. Such containers may be located on municipal rights-of-way or on private property by Agreement with the owners thereof. All owners, occupants and other persons with rubbish to be disposed of shall dispose of such rubbish in such containers and not otherwise transport rubbish from the premises upon which the rubbish is to be removed. The Municipal Manager shall designate which of such containers shall be used for which premises and those persons disposing of rubbish from such indicated premises shall use the said municipal-owned containers as designated and none other.

g. Outside the commercial area of the Municipality, commercial containers shall be owned and supplied by the owners of the property, but must be suitable for collection by the refuse collection equipment of the Municipality. Placement of the commercial refuse container must be approved by the Director of Public Works or his designee and must be placed such that the container may be collected without manual maneuvering of the container by municipal employees.

(Ordinance 984, November 5, 1980, Section 5, as amended by Ordinance 2012, February 4, 2013, and by Ordinance 2028, November 18, 2013, Section 2.)

**Section 107. Points of Collection.** For the purpose of collection refuse and organics carts shall be placed within three (3) feet of the curb, edge of alley or street pavement and at least three (3) feet from any obstruction. All carts placed at the curb, street or alley for collection shall be removed from the curb, street, or alley on the day of collection. Failure to remove carts from the curb, street, or alley shall constitute a violation of this ordinance, subject to the penalties contained herein. Refuse may be placed for collection at other than street or alley locations as provided for in Section 103.c. (Ordinance 984, November 5, 1980, Section 6, as amended by Ordinance 1638, October 2, 2000, Section 1, Ordinance 1734, December 31, 2002, Section 3, Ordinance 1740, March 5, 2003, Section 1, and by Ordinance 2012, February 4, 2013.)<sup>3</sup>

**Section 108. Collection Practices.**

a. **Frequency of Collection.** The Municipal Manager is hereby authorized to arrange rate schedules for public collection of refuse in the various categories and sections of the Municipality.

The Municipal Manager is authorized to set up special collection schedules for the removal of riff-raff from all premises in the Municipality. It shall be the duty of occupants of premises to notify the Department of the kind and amount of riff-raff to be collected.

The Municipal Manager is authorized to set up special collection schedules for the removal of brush too large to fit in organic materials carts from all premises in the Municipality. It shall be the duty of occupants of premises to notify the Department when brush is placed at the curb for collection.

**b. Limitation of Quantity.** It is the intent of this ordinance that those classified as commercial shall have their reasonable accumulations of refuse collected at a fair charge base upon average weight of volume. The Municipal Manager may make an additional charge for excessive or unreasonable amounts.

Residential customers requesting other-than-street collection of refuse are limited to no more than 90 gallons of refuse per week. Customers with more than 90 gallons may place additional refuse in containers approved by the Municipality, and placed at the street or alley as determined by the collection practices from neighboring properties, at no additional charge..

**c. Special Refuse Problems.**

(1) Contagious Disease Refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in any containers for regular collection.

(2) Hazardous Refuse. Hazardous refuse shall not be placed in any containers for regular collection but shall be disposed of as directed by the Municipal Manager at the expense of the owner or possessor thereof.

Special refuse problems shall be discussed by the occupant with the Municipal Manager. In case of inability to reach an agreement, the matter may be referred to the Municipal Council, whose decision is final.

(Ordinance 984, November 5, 1980, Section 7, as amended by Ordinance 1740, March 5, 2003, Section 2, Ordinance 1914, December 15, 2008, Section 7, and by Ordinance 2012, February 4, 2013.)

**Section 109. Burning.** Refuse or leaves may not be burned outdoors on the premises in any manner whatsoever. It shall be unlawful for any occupant or other person to start a fire of any description for any purpose except within the building or other structure in a stove, furnace or fireplace or other designed containers for fire. Outside incinerators of all kinds are hereby declared unlawful and shall not be used for fire or storage of refuse. Exceptions shall be construction firepots, charcoal grills and fireplaces attached to and made a part of a dwelling when the flue thereof extends upward higher than the highest portion of the said dwelling. Other exceptions may be made by permit, which shall be applied for to the Municipal Manager and shall be granted when the circumstances reasonably require outside burning and do not present a hazard or annoyance to persons or property. No such burning shall be performed until after the granting of such permit.

Refuse or recycling materials may not be burned, indoors or outdoors, except for small amounts of paper or cardboard used to start a fire in a stove, furnace, fireplace or other designed containers for fire.

(Ordinance 984, November 5, 1980, Section 8, as amended by Ordinance 2012, February 4, 2013, and by Ordinance 2028, November 18, 2013, Section 3.)

**Section 110. Fees, Penalties, Discounts and Delinquents.**

a. **Fees.**<sup>5</sup> The fees and payment schedule for the collection and disposal of refuse shall be as approved by the Council of the Municipality on an annual basis. Volumes of commercial refuse using shared municipal containers shall be estimated based on the type and size of business. Volumes, of commercial refuse using privately-owned containers shall be based on the average weekly collection amount from such containers.

b. **Refunds and Allowances.** Refunds and allowances will be granted upon application by the property owner and/or tenant on no less than a quarterly basis and only for discontinuance of service for a subsequent full quarter or more.

A discontinuance of service may be allowed only when proof has been given to establish that the premises will be vacant during such period of time. If such discontinuance of service is during the then-calendar year and payment in advance has been made, a proportionate refund will be made and, if such discontinuance is during a following calendar year, a proportionate allowance or deduction will be granted.

Other refunds or allowances maybe made in meritorious and deserving cases presented by written request to the Municipal Council, which may, after hearing and discussion, make such refunds or allowances as it deems reasonable.

All refunds and allowances will be based upon the fee schedule in effect at the time service is discontinued.

c. **Delinquent Accounts.** All accounts shall be considered delinquent if not paid by the due date shown on the statement. Delinquent accounts will have a one percent (1%) penalty added to the unpaid balance for each month the account is delinquent for a maximum penalty of twelve percent (12%) per annum. If a delinquent account is not paid within 6 months, the Municipal Manager or his/her designee may refer the account to the Municipal Solicitor with instructions to proceed with the collection of such unpaid account by an action in assumpsit or in any other manner provided by law for the collection of municipal claims and charges.

(Ordinance 984, November 5, 1980, as amended by Ordinance 1299, December 19, 1990, Sections 1, 2 and 3, Ordinance 1398, December 14, 1992,<sup>10</sup> Ordinance 1432, December 16, 1993, repealed Subsection “e” of this Section, Ordinance 1486, December 20, 1995, Ordinance 1556, December 23, 1997, Ordinance 1647, December 21, 2000, Ordinance 1723, December 23, 2002, Ordinance 1735, December 23, 2002, Ordinance 1740, March 5, 2003, Section 3, Ordinance 1745, April 24, 2003, Ordinance 1831, December 20, 2005, Section 1, Ordinance 1884,

December 17, 2007, Section 1, Ordinance 1914, December 15, 2008, Section 8, Ordinance 2012, February 4, 2013, and by Ordinance 2028, November 18, 2013, Section 4.)

**Section 111. Litter and Refuse Not Permitted on Streets, Sidewalks and Public Places.**

a. No person shall throw, place, deposit, leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or other refuse on any sidewalk, street, alley or public place. Any person failing to comply with this provision shall be in violation of this ordinance and subject to receiving a violation notice issued by an authorized agent of the Borough.

b. Persons owning, renting and/or occupying property shall keep the sidewalk in the front, side(s), and rear of their premises as well as the premises free of litter. No person shall sweep or deposit litter into any gutter, street, or other public place within the Borough from any building or from any public or private sidewalk or driveway.

c. Persons owning or occupying places of business within the Borough shall clean their premises and sidewalk in the front, side(s), and rear of their businesses and keep them free of litter. No person owning or occupying a place of business shall sweep or deposit litter into any gutter, street, or other public place within the Borough or from any public or private sidewalk or driveway.

d. Upon the discovery of the initial violation on a premise during a calendar year, the authorized agent of the Municipality shall give a written notice of warning to the owner and/or occupant of such violation.

The owner and/or occupant shall then have 24 hours to abate such violation. After a period of no less than 24 hours, if the Municipality's authorized agent again observes a violation on the premises within a calendar year, the agent may issue an ordinance violation to the owner and/or occupant in accordance with Section 114 of this ordinance.

(Ordinance 984, November 5, 1980, Section 1, as amended by Ordinance 1432, December 16, 1993, Section 3, Ordinance 1625, May 22, 2000, Section 2, Ordinance 1889, December 17, 2007, Section 5, Ordinance 1984, February 6, 2012, Section 1, and by Ordinance 2012, February 4, 2013.)

**Section 112. Restrictions on Placement of Materials on Streets and Sidewalks.** No empty boxes, barrels or rubbish of any kind whatsoever shall be left upon any pavement, sidewalk, street or alley within the Municipality, and any person or persons being keeper of any store, office or shop, or occupant of any other building violating any of the provisions of this Section and not removing or causing the removal of any such material or articles, when adjacent to or in front of any property occupied by him, her or them, upon notice by the Municipal Manager, the Manager's designee, or any Police Officer of the Municipality, shall be subject to the fines and penalties given in Section 114 of this Chapter. The prohibition against leaving empty boxes, barrels and rubbish upon any pavement, sidewalk, street or alley shall not apply to boxes, barrels or cases containing goods, wares, merchandise or fruits, etc. for such space of time

as may be necessary in order to remove the contents thereof and thereupon to remove said boxes, barrels or cases. (Ordinance 984, November 5, 1980, Section 12, as amended by Ordinance 1432, December 16, 1993, Section 4, and by Ordinance 2012, February 4, 2013.)

**Section 113. Enforcement.** It shall be the duty of the Municipal Manager, or the Manager's authorized agent, to enforce the provisions of this ordinance, whether on public or private property, upon their own observation or knowledge. In addition to any other penalties, if any owner and/or occupant neglects or refuses to remove litter or other refuse as required in this ordinance, the Municipal Manager may remove or cause to be removed the litter or other refuse and the cost of removing the litter or refuse plus 20 percent shall be collected by the Municipality. Upon failure to make payment of the entire amount due within 30 days from the date of the billing for said removal, the Municipality may enter a lien, as provided by law. This right, as herein prescribed in the Municipality, shall be in addition to penalties prescribed by Section 114 of this Chapter. (Ordinance 984, November 5, 1980, Section 13,<sup>40</sup> as amended by Ordinance 1432, December 16, 1993, Section 5, Ordinance 1625, May 22, 2000, Section 3, Ordinance 1889, December 17, 2007, Section 5, and by Ordinance 2012, February 4, 2013.)

**Section 114. Fines and Penalties.**

**a.** The provisions of this ordinance are declared to be for the health, safety and welfare of the citizens of the Municipality, and any person violating any provision of this Chapter shall, upon conviction thereof before a District Magistrate, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than 30 days. Each day during which any violation of such provision shall continue shall be deemed a separate offense.

**b.** Upon the discovery of any violation under the terms of this Ordinance, the Municipality shall, through its authorized agents, give notice to the owner of a violation hereunder, either by personal delivery to such owner, by United States mail directed to the last known address of such person or person, as shown in the real estate registry records of the Municipality, or by leaving the same on the premises where such violation occurs.

If such person shall, within 7 days after delivery, mailing or leaving of such notice, pay to the Treasurer of the Municipality the sum of \$50.00 for the violation, the same will constitute full satisfaction for the violation noted in said notice. The failure of such person to make payment, as aforesaid, within 7 days, shall render such owner subject to the penalties as provided in subsection a. above.

(Ordinance 984, November 5, 1980, Section 14<sup>50</sup>, as amended by Ordinance 1432, December 16, 1993, Section 6, Ordinance 1625, May 22, 2000, Section 4, Ordinance 1642, December 11, 2000, Section 1, and by Ordinance 1889, December 17, 2007, Section 5, Ordinance 1984, February 6, 2012, Section 1, and by Ordinance 2012, February 4, 2013.)