

ORDINANCE NO. 72-2

AN ORDINANCE RELATING TO SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE COMMERCIAL DISPOSAL OF REFUSE PRODUCED IN THE TOWNSHIP OF HILLTOWN; REGULATING THE COLLECTION AND DISPOSAL OF SUCH REFUSE; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITHIN THE TOWNSHIP; PROVIDING FOR THE LICENSING AND REGULATION OF COLLECTORS OF REFUSE AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

ARTICLE I

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

(a) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include food-processing wastes from canneries, packing plants, or similar industries, nor large quantities of condemned food products.

(b) "Ashes" means the residue from the burning of wood, coal, coke and other combustible materials.

(c) "Rubbish" means glass, metal, paper, or non-putrescible wastes.

(d) "Building rubble" means the waste material resulting from the construction or demolition of buildings or roads, tree trunks and limbs and other similar material.

(e) "Refuse" means garbage, ashes, rubbish and building rubble as herein defined.

(f) "Person" means a natural person, firm, co-partnership, association or corporation.

(g) "Township" means the Township of Hilltown.

(h) "Collector" means a person licensed to transport refuse for others as provided in Article IV of this Ordinance.

ARTICLE II

COLLECTING AND DUMPING OF REFUSE

Section 1. The transportation of refuse into the Township of Hilltown from without its boundaries for the purposes of accumulating, burying, burning or destroying said refuse within the said Borough is hereby declared to be unlawful except, that refuse may be deposited at a state-regulated landfill or incinerator; providing that all the rules and regulations relating to the operation of such landfill or incinerator are fully complied with.

Section 2. No person shall engage in the business of transporting refuse within the Township of Hilltown except when licensed to do so in accordance with Article IV of this Ordinance.

ARTICLE III

ACCUMULATION OF REFUSE

Section 1. It shall be unlawful for any person to keep in or about any dwelling or upon any land or other premises within the Township any garbage or refuse of any kind which is obnoxious or offensive by reason of dust or odor, or which attracts insects and vermin, except in covered receptacles. The cover shall be tight and flyproof.

Section 2. The accumulation or burying of refuse on a commercial basis upon any premises within the Township, except at a state-regulated sanitary landfill or incinerator, is hereby declared to be a nuisance and is prohibited.

ARTICLE IV

LICENSING COLLECTORS

Section 1. No person shall engage in the commercial collection of refuse produced upon premises not owned or occupied by him in the Township until his application has been approved by

the Supervisors and a license issued by the same.

Section 2. Applications for a refuse collector's license shall be in the form prescribed by the Supervisors and shall contain at least the following information:

- (a) Applicant's name, address and date of application.
- (b) Name and address of owner of collection vehicle.
- (c) Make, serial number and Pennsylvania license number of each collection vehicle.
- (d) Proposed monthly rate and collection schedules.
- (e) Statement that collector will deposit refuse only in a sanitary landfill or incinerator approved by the Commonwealth of Pennsylvania.

Section 3. Licenses shall be issued for the calendar year, or that part of the year which has not elapsed at the time the license is granted. The license fee for a calendar year shall be \$10.00. Provided, however, that if six months of the calendar year has elapsed at the time any license is granted, the fee shall be \$05.00.

Section 4. Before the issuing authority shall issue any license, the applicant shall file with him proof of public liability insurance coverage of all vehicles to be licensed, in the amount of \$10,000.00 for property damage for one claimant, and \$20,000.00 for one accident, and \$100,000/\$300,000.00 bodily injury liability.

Section 5. Before approving the issuance of a license to any applicant, the Supervisors shall examine the rate and collection schedules filed with the application. The Supervisors shall refuse to approve a license to any applicant whose rates are unreasonable or excessive or whose collection schedule is inadequate. When a

license has been issued and the collector's rates approved by the Supervisors, said rates shall not thereafter be changed during the calendar year for which the license is issued without the approval of the Supervisors. The schedule of rates shall be based upon collection of refuse from a point at the street line. The collector shall have the right to make an additional reasonable charge for collection from points beyond the street line or from within a building.

Section 6. The Township shall have the right, at any time, and without refund of any part of the license fee, to suspend or revoke the license of any collector for any of the following causes:

(a) False or misleading statements in the application for a license.

(b) Charging those to whom service is rendered in excess of the fees contained in the approved rate schedule or failing to make collections in accordance with approved route schedules.

(c) Lapse or cancellation of insurance coverage.

(d) Collecting or transporting refuse in a careless or negligent manner resulting in dirt, odor or any unsanitary condition.

(e) Failure to deposit refuse in a sanitary landfill or incinerator approved by the Commonwealth of Pennsylvania.

(f) A violation or violations of any part of this ordinance or other ordinances of the Township.

ARTICLE V

PENALTIES

Section 1. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall, upon conviction thereof, pay a fine of not less than Fifty Dollars (\$50.00)

or more than One Hundred Dollars (\$100.00) and in default of the payment of such fine and the costs of prosecution, shall be imprisoned for a period of not more than thirty (30) days. After notice, each day's neglect to comply with the provisions of this ordinance shall be deemed a separate offense and 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.

ARTICLE VI

SEVERABILITY

The provisions of this Ordinance are severable and, if any of its sections, clauses or sentences shall be held illegal, invalid, or unconstitutional such illegality, invalidity, or unconstitutionality shall not affect or impair any of the remaining sections, clauses or sentences of this ordinance. It is hereby declared to be the intent of the Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, clauses or sentences had not been included herein.

ARTICLE VII

REPEALER

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

ARTICLE VIII

EFFECTIVE DATE


This ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED into an Ordinance this 4th day
of December, A. D., 1972

HILLTOWN TOWNSHIP SUPERVISORS







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