

COUNCIL BILL NO. 1940**INTRODUCED BY: Randy Schmidt****ORDINANCE NO. 1842****A N O R D I N A N C E**

OF THE CITY OF DUBOIS AMENDING CHAPTER 20, PARTS 1 AND 2 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS BY REPEALING THE CURRENT LANGUAGE CONTAINED IN PARTS 1 AND 2 OF CHAPTER 20 AND ENACTING A NEW SOLID WASTE ORDINANCE FOR THE CITY OF DUBOIS AS SUBSTITUTION FOR THE PRIOR ORDINANCE FOUND AT CHAPTER 20, PARTS 1 AND 2 OF THE CODE OR ORDINANCES OF THE CITY OF DUBOIS AND IMPOSING PENALTIES FOR VIOLATION OF THE RULES AND REGULATIONS OF SUCH MUNICIPAL SOLID WASTE ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of DuBois, in Council assembled, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. The existing provisions of Chapter 20, Parts 1 and 2 are repealed in their entirety and the following language is adopted as Chapter 20, Parts 1 and 2 of the Code of Ordinances of the City of DuBois.

PART 1**Solid Waste Management****§101. Short title.**

This article shall be known as the "City of DuBois Municipal Solid Waste Ordinance".

§102. Purpose.

- A. It is the intent and purpose of this part to promote the public health, safety and welfare and to eliminate public health hazards, environmental pollution and economic loss by providing that all residential, commercial, industrial and institutional municipal solid waste accumulated or stored upon any property within the City of DuBois shall be collected, transported and disposed of within the following conditions:
- (1) All residential, commercial, industrial, and institutional properties shall be served by the City's contracted hauler.
 - (2) All municipal solid waste shall be disposed of at an approved facility, in accordance with the Clearfield County Solid Waste Management Plan, as well as municipal, state, federal and county laws and ordinances.
- B. These conditions are established to assure Municipality compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, (P. L. 528, No. 101), "Pennsylvania Act 101" found at 53 P. S. §4000.101, *et. seq*

§103. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BULK WASTE – All waste materials too large for collection in ordinary containers. Examples of bulk waste include: furniture, appliances, carpeting and similar items. Bulk waste shall not consist of any items that may be packaged and disposed of using regular trash collection procedures.

CITY – The governmental jurisdiction and legal entity of the City of DuBois, a Third-Class City in Clearfield County, Pennsylvania

COMMERCIAL – Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. Multifamily dwelling units, manufactured home parks, hotels, motels, mixed use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. Does not include properties where primary permitted use is residential and accessory use is commercial (i.e., home occupations).

CUSTOMER– The owner of any residential, commercial, industrial or institutional property located within the City of DuBois.

CONSTRUCTION AND DEMOLITION WASTE – Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster and brick, conduit, pipe, insulation and other material which results from a construction, demolition and remodeling process.

DWELLING UNIT – One or more rooms on premises which having cooking facilities and are arranged for occupancy by one person, two or more persons living together or one family. Each dwelling unit within a noncommercial building shall be considered an individual residential customer served by curbside refuse and recycling collection.

EXCLUSIVE CONTRACT – An agreement entered into by the City of DuBois, or its designated agent, with a private person or corporation for the collection and disposal of all municipal waste generated within the boundaries of the City to the extent provided by this part and the agreement.

HAULER – a person who collects, transports and/or disposes of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial and institutional establishments or community activity. The term may be applied to a person having the exclusive right to collect within the City. All such haulers shall comply with the provisions under the Pennsylvania Waste Transportation Safety Act (Act 90), as well as all Federal, State, County and local laws, rules and regulations.

INDUSTRIAL – Any establishment engaging in manufacturing or processing including, but not limited to factories, foundries, mills, processing plants and refineries.

INSTITUTIONAL – Any establishment engaged in service to persons including, but not limited to hospitals, nursing homes, orphanages, schools and universities.

LEAF WASTE – Leaves, garden residue, shrubbery and tree trimmings, and similar material but not including grass clippings (Act 101, section 103)

MULTIFAMILY DWELLING UNIT – A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains five or more dwelling units.

MUNICIPAL SOLID WASTE – Any garbage, refuse, industrial lunchroom or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial or institutional water supply treatment plan, waste water treatment plant or air pollution control facility (Pennsylvania Act 101, Section 103, found at 53 P.S. §4000.103)

PERSON – An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or

agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

RECYCLABLES – the collection and separation of aluminum, steel, and bimetal cans; green, brown, blue, and clear glass; newsprint and bundles of magazines; unwanted mail; mixed office paper; paperboard; all plastic bottles (1 through 7); domestic corrugated cardboard; empty aerosol and paint cans; and any other materials per section 1501 of State Act 101 found at 53 P.S. §4000.1501) or added as material accepted by the Clearfield County Solid Waste Authority (“CCSWA”) from time to time.

REFUSE – All municipal solid waste which is regulated by State Act 101 and the Clearfield County Solid Waste Authority, except the following categories of solid waste:

- A. Bulk waste, including tires and appliances
- B. Construction/demolition waste
- C. Sludge
- D. Infectious/pathological waste
- E. Ash residue
- F. Friable asbestos waste
- G. Source separated recyclable materials
- H. Household hazardous waste
- I. Oversized refuse items
- J. Grass clippings
- K. Leaf waste
- L. Unacceptable waste

RESIDENTIAL PROPERTY – A “Dwelling unit” under single ownership or organized as a condominium or cooperative form of housing, which contains 1, 2, 3 or 4 dwelling units.

RESIDUAL WASTE – Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, wastewater treatment facility, or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the “Coal Refuse Disposal Control Act”, found at 52 P. S. §30.51 *et seq.* The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P. L. 1987, No. 394), known as the “Clean Streams Law” (Pennsylvania Act 101, Section 103, found at 35 P.S. §690.1 *et seq.*).

UNACCEPTABLE WASTE – The following categories of solid waste:

- A. Hazardous waste
- B. Residual waste

- C. Unsterilized or unprocessed infectious or pathological waste
- D. Chemotherapeutics waste
- E. Gas cylinders
- F. Explosives and ordinance materials
- G. Liquid waste (i.e. containing less than 20% solids by weight or flowable)
- H. Drums, barrels, and buckets unless lids have been removed and interiors cleaned and free of any residue
- I. Radioactive materials
- J. Any solid waste generated outside of the Municipality

§104. Maintenance of containers.

It shall be the duty of every person owning a residential, commercial, industrial or institutional property within the City where municipal solid waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this article, to provide and keep at all times a sufficient number of container to hold all municipal solid waste accumulated between intervals of collection of such waste by a hauler; and to ensure the sanitary and legal disposal of such waste in accordance with this article and all other municipal, state and federal applicable laws and regulations.

§105. Storage on residential properties.

- A. All refuse accumulated by owners of residential properties and/or the occupants of residential properties shall be placed in containers for collection by a hauler. Refuse containers used for curbside collection shall be watertight, covered plastic or metallic cans or durable and lightweight plastic bags that can be easily and quickly handled by one person. Refuse containers shall be not less than five (5) gallons nor more than 35 gallons in capacity. The weight of a single filled container shall not exceed 40 pounds. Use of bulk containers at multifamily establishments shall comply with the provisions of §106A. below
- B. It shall be the responsibility of each customer to keep all refuse receptacles in good repair and sanitary condition. Any receptacle which does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the hauler shall be promptly replaced upon notice. Failure to comply within 10 days will result in the removal of the defective receptacle as refuse.
- C. A sufficient number of refuse receptacles shall be provided by the customer of the premises. No container shall be so filled that the lid will not fit tightly.
- D. More than one family or living unit on the same premises may use the same containers but each family must pay the established rate as though a separate container is being used.
- E. Location of containers. For residential properties with curbside collection, each refuse container shall be placed for collection so as to be accessible to the hauler at ground level and at a point immediately behind the curblines of the street, within no more than 10 feet of the cartway of the street or alley from which the connection with a vehicle is made if there is no curbsings, or at a location mutually agreeable between the resident, the City and the hauler. Failure to place containers at such locations may result in refuse not being collected. Pickup at alternate locations may occur in accordance with

agreement between customer and hauler. Location of bulk containers at multifamily dwelling units shall be in accordance with §106B. below.

- F. Failure to remove refuse containers from the curb or street after 2 days shall constitute a violation of this ordinance, subject to the penalties contained herein.
- G. Persons with physical disabilities (due to age, poor health, or as defined in the Americans with Disabilities Act) whose residence is included under the City's exclusive contract may place refuse at other-than-street or alley locations at no additional charge when approved by the City Manager or his designee.

§106. Storage on commercial, industrial and institutional properties.

- A. Containers. Storage of municipal solid waste on commercial, industrial and institutional properties shall be done in a dumpster for collection by a hauler. If the amount of waste generated per week is less than a 2-yard dumpster the same type of containers as required for residential properties as defined in section §105 shall be allowed if agreed upon by both the customer and the hauler.
- B. Location of containers. Dumpsters for the storage and collection of municipal solid waste at commercial, industrial or institutional properties shall be placed, whenever possible, at ground level and at a point on the property being serviced by the hauler which will enable clear and easy access to the dumpster by the hauler's vehicle. The location on the customer's premises shall be at a place agreed upon by the customer of the commercial, industrial or institutional property and the hauler. This location and buffering, if required, shall be in compliance with zoning or other applicable municipal requirements for the location of such containers. Such locations shall not interfere with regular travel upon public or private sidewalks, walkways, driveways, roads, streets, highways, alleys or entrances and exits of public or private buildings.

§107. Collection of municipal solid waste.

- A. It shall be unlawful for any person other than persons defined herein to collect and/or transport municipal solid waste, which is generated within the City, as a regular hauling business. The City may decide to enter into an exclusive contract for residential and/or commercial refuse collection or any part thereof.

§108. Transportation of municipal solid waste.

- A. Any person transporting municipal solid waste within the City shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal solid waste. The haulers shall collect municipal solid waste in vehicles which are suitable for such collection, which are dedicated for use in performance of such collection, and which bear prominent legible marking, signs, or decals identifying them as being municipal solid waste collection vehicles, and stating the name and phone number of the hauler. The vehicles shall be securely covered, watertight, strongly built and kept thoroughly cleaned and well maintained. Except for roll-offs, open trucks or trucks covered with tarps will not be used for the collection of municipal solid waste. Open trucks may be used for the collection of bulk waste, provided that the truck is tarped.
- B. The City, or its designated agent, shall have the authority to inspect the vehicles used for the transport of municipal solid waste as it deems necessary to determine compliance with this article or any other ordinance, resolution and/or regulation of the City. The hauler shall correct deficiencies immediately upon notification by the City or its designated agent, and said vehicle shall not be used for refuse collection until the deficiencies have been corrected.

§109. Disposal of municipal solid waste.

All municipal solid waste produced, collected and transported from within the jurisdictional limits of the City shall be disposed of at the facilities designated in the Clearfield County Solid Waste Management Plan, which plan is on file in the Clearfield County offices.

§110. Unlawful disposition of municipal solid waste.

It shall be unlawful for any person to bring any municipal solid waste into the City of DuBois or to transport municipal solid waste from one address to another within or outside of the City for the purpose of taking advantage of the collection service to avoid the cost of collection.

§111. Bulk waste.

- A. Bulk waste shall be disposed of in accordance with the Clearfield County solid Waste Management Plan at a permitted disposal facility, a facility especially designated by the City to take such bulk items or a legitimate salvage dealer this is in the business of disposing of or recycling such items. Bulk waste may be transported in a vehicle appropriate to the type of waste so as to prevent spillage, accidental loss, etc.
- B. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal solid waste from hauling his/her bulk waste to a permitted disposal facility or to a disposal facility as designated by the City in accordance with the regulations of the disposal facility.

§112. Construction and demolition waste.

All waste materials resulting from the building, structural alteration, repair, construction or demolition of building or structures shall be disposed of as permitted by applicable City, county, state and federal laws and regulations as may be in effect or as may be subsequently imposed. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal solid waste from hauling his/her construction and demolition waste to a state permitted disposal facility or to a disposal facility as designated by the City in accordance with the regulations of the disposal facility.

§113. Exclusions

The provisions of this article do not apply to anything but the storage, collection, transportation and disposal of municipal solid waste and do not apply therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable municipal, state and federal laws and regulations as may be in effect or subsequently imposed.

§114. Accumulation of refuse prohibited.

For reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the City, any of the types of refuse and bulk waste defined within §103 of this part.

§115. Service fee required.

It shall be the duty and responsibility of every owner of property on behalf of the owner and every person occupying a dwelling unit, premises or place of business within the City where municipal solid waste is generated to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this part, to a hauler, exclusive contractor or to the City

if the City has entered into a contract with the hauler to collect the same on behalf of the hauler and/or exclusive contractor.

A hauler, exclusive contractor or the City may discontinue service for nonpayment of service fees by a residential, commercial, industrial or institutional establishment. To discontinue residential service, the customer shall be in arrears and shall have received a shutoff notice during this period from the City regarding the amount due and procedures for payment. At the time of the discontinuance of service, the customer shall be considered in violation of this part. Discontinuance of service due to nonpayment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this part. The City, or its designated agent, hauler or exclusive contractor may impose an administrative fee to reinstate customers whose service is disconnected.

§116. Service charges.

The cost of such residential or commercial municipal solid waste collection service, and the responsibility of payment therefore, shall be borne by the owner of the premises from which said municipal solid waste is collected or upon which premises said municipal solid waste is generated and disposed of. 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.

The owner of each premises will be billed a separate service charge for each livable unit or each commercial unit in the event that multiple units are on the premises unless an approved dumpster onsite.

§117. Charges to be established by resolution.

All service fees established under an exclusive contract for the collection of municipal solid waste by the City shall be established by a resolution of the City Council of the City of DuBois. Service charges so established shall be reviewed at least annually and adjusted as necessary to ensure that all costs involved in the collection and disposal of municipal solid waste under the exclusive contract, including the administrative cost of the City, or its designated agent, are covered by the service charges.

§118. Violations and penalties.

Any person violating any of the provisions of his article shall, upon conviction by a Magisterial District Judge, be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Clearfield County Jail for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgement pursuant to the applicable rules of civil procedure. Every violator of the provisions of this part shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.

§119. Other remedies.

In addition to the foregoing penalty, the City may require the owner or occupant of a property to remove any accumulation of waste as identified under §114, and should said person fail to remove such waste after five days following written notice, the City may cause the waste to be collected and disposed of with the cost for such action to be charged to the owner or occupant of the property. Failure by the owner or occupant of the property to pay said charges within 30 days will result in a lien being filed against the property.

§120. Severability

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of this chapter shall not be affected thereby.

§121. Amendments

This chapter or any part thereof may be amended from time to time in accordance with the procedures as established by law.

PART 2
Recycling

§201. Short title.

This part shall be known as the "City of DuBois Recycling Ordinance" and the same may be cited in that manner.

§202. Purpose.

The City of DuBois recognizing the reclamation of recyclable materials has become an important method for addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources and a reduction in energy consumption, does hereby authorize the storage, collection and transportation of recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act (No. 101), the Clearfield County Solid Waste Management Plan, which plan is on file in the Clearfield County offices and this part. This part is intended to be an integral part of an overall system designed to facilitate recycling and foster the cooperation of the residents.

§203. Definitions

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this part:

ALUMINUM CANS – Empty all-aluminum beverage and food containers.

AUTHORITY – Clearfield County Solid Waste Authority.

BIMETAL CONTAINERS – Empty beverage or food containers consisting of two metals such as steel, tin or aluminum.

CITY – The governmental jurisdiction and legal entity of the City of DuBois, A Third Class City in Clearfield County, Pennsylvania.

COMMERCIAL – Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. Multifamily dwelling units, manufactured home parks, hotels, motels, mixed use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. Does not include properties where the primary permitted use is residential and accessory use is commercial (i.e., home occupations).

COMMUNITY ACTIVITIES – Church, school, civic, service group, municipal functions and all other such functions.

CORRUGATED PAPER – Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

CURBSIDE RECYCLING COLLECTION – The scheduled collection and transportation of recyclable materials placed at the curblineline or other area designated by the collector.

CUSTOMER – The owner of any residential, commercial, industrial or institutional property located within the City.

DESIGNATED AGENT – An agent, acting on behalf of the City, whose powers and responsibilities are established in an intergovernmental agreement or similar document.

DROP-OFF SITES – Those specified locations, staffed or unstaffed, where recyclable materials may be taken at specified times.

DWELLING UNIT – One or more rooms on premises which have cooking facilities and are arranged for occupancy by one person, two or more persons living together or one family. Each dwelling unit within a noncommercial building shall be considered an individual residential customer served by curbside refuse and recycling collection.

ENFORCEMENT OFFICER – The official designated herein or otherwise charged with the responsibilities of administering this part, or the official authorized representative.

EXCLUSIVE CONTRACT – An agreement entered into by the City of DuBois, or its designated agent, with a private person or corporation for the collection and disposal of all municipal waste generated within the boundaries of the City to the extent provided by this article and the agreement.

GLASS CONTAINERS – Bottles and jars made of clear, green or amber glass. Expressly excluded are noncontainer glass, automobile glass, plate glass, blue glass, lead crystal, porcelain, and ceramic products.

HAULER – a person who collects, transports and/or disposes of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial and institutional establishments or community activity. The term may be applied to a person having the exclusive right to collect within the City. All such haulers shall comply with the provisions under State Act 90, as well as all Federal, State, County and local laws, rules and regulations.

HIGH – DENSITY POLYETHYLENE (HDPE) CONTAINERS – Plastic bottles and jars made exclusively from noncolored high density polyethylene, such as milk and water jugs.

HIGH – GRADE OFFICE PAPER - All white paper, bond paper, and computer paper used in commercial, industrial, institutional and municipal establishments.

INDUSTRIAL – Any establishment engaging in manufacturing or processing including, but not limited to factories, foundries, mills, processing plants and refineries.

INSTITUTIONAL – Any establishment engaged in service to persons including, but not limited to hospitals, nursing homes, orphanages, schools and universities.

LEAD ACID BATTERIES – Includes, but not be limited to automotive, truck and industrial batteries that contain lead.

LEAF WASTE – Leaves, garden residue, shrubbery and tree trimmings, and similar material but not including grass clippings. (Act 101, section 103)

MULTIFAMILY DWELLING UNIT – A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains five or more dwelling units.

MUNICIPAL SOLID WASTE – Any garbage, refuse, industrial lunchroom or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial or institutional establishments and from community activities, and any sludge not

meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facilities (Pennsylvania Act 101, Section 103, found at 53 P.S. §4000.103)

NEWSPAPERS – All paper of the type commonly referred to as newsprint and distributed at fixed intervals having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which are wet, yellowed or soiled.

PERSON – An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

POLYETHYLENE TEREPHTHALATE (PET) CONTAINERS – Plastic soda bottles composed of the polymer PET.

RECYCLABLE MATERIALS – the collection and separation of aluminum, steel, and bimetal cans; green, brown, blue, and clear glass; newsprint and bundles of magazines; unwanted mail; mixed office paper; paperboard; all plastic bottles (1 through 7); domestic corrugated cardboard; empty aerosol and paint cans; and any other materials per section 1501 of State Act 101 (found at 53 P.S. §4000.1501) or added as material accepted by the Clearfield County Solid Waste Authority (“CCSWA”) from time to time.

RESIDENTIAL PROPERTY – A “Dwelling Unit” under single ownership or organized as a condominium or cooperative form of housing, which contains 1, 2, 3 or 4 dwelling units.

STEEL CANS – Empty all – steel food and beverage containers.

§204. General provisions.

Those recyclable materials separated under the provisions of this part shall not be considered municipal waste and shall not be subject to the provisions of municipal ordinances which require disposal of municipal solid waste at the Clearfield County Solid Waste Authority facilities by a hauler as defined herein.

§205. Recycling program established.

The City hereby establishes a program for the mandatory separation of recyclables from municipal solid waste by residential dwellings and commercial, industrial and institutional establishments.

§206. Containers

- A. All recyclable material accumulated by owners of residential, commercial, industrial and institutional properties and/or occupants of said properties shall be placed in containers for collection by a hauler.
- B. It shall be the responsibility of each customer to keep all recycling receptacles in good repair and sanitary condition.
- C. More than one family or dwelling unit on the same premises may use the same containers but each family must pay the established rate as though a separate container is being used.

- D. Location of containers. For residential and commercial properties recycling containers shall be placed near refuse containers for collection. Pickup at alternate locations may occur in accordance with agreement between customer and hauler.

§207. Recycling by hauler.

- A. All recyclable materials generated within the City shall be collected by a hauler. A commercial, industrial and institutional establishment may utilize an individual recycling program in conformance with §209.
- B. The City or its designated agent may, through a competitive bidding process, award an exclusive service contract for all or part of residential recycling collection.

§208. Individual recycling plan.

- A. Commercial, industrial and institutional establishments conducting their own recycling programs, not in conjunction with a hauler or under an exclusive contract as may be established by the City for the collection of municipal waste and recyclables, shall file with the City or its designated agent and have approved by the City or its designated agent, plans for individual recycling programs which provide for, at a minimum, the recycling of items listed in rules and regulations for the recycling program.
- B. In addition to filing an individual recycling plan, commercial, industrial and institutional customers who choose to establish an individual recycling program are required to submit semiannually to the City or its designated agent, weigh slips or other certification which show by weight and type of material recycled by that establishment. If weigh slips are not used, the form of certification requires the prior approval of the City or its designated agent. Required information is due within 60 days of the end of the reporting period designated in the regulations for the recycling program.
- C. An individual recycling plan for commercial, industrial or institutional establishments shall provide the following information:
 - (1) Applicant's company name, address, telephone number, contact person and owner's name.
 - (2) Company name, address, telephone number, and contact person for entity providing the recycling service.
 - (3) Description of materials to be recycled, frequency of collection, method of storage and how service will be provided.
 - (4) Form of certification to assure proper disposal of recyclable materials.
 - (5) Municipality in which the establishment is located.
 - (6) Other information as may be required by the City or its designated agent which is intended to assure the proper disposal of recyclable materials.

§209. Establishment of regulations.

The City or its designated agent shall establish and promulgate regulations on the manner, days and time of collection of recyclable materials and for the bundling, handling, location and time

of placement of such materials for collection. Regulations shall be promulgated for each of the programs undertaken for residential dwelling units, and commercial, industrial and institutional establishments.

§210. Special items.

- A. Lead acid batteries. No person shall place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of the Commonwealth of Pennsylvania.
- B. Leaf collection. All residential customers and commercial, industrial or institutional establishments who gather leaves shall separate all leaf waste from municipal solid waste and place it for collection at the times and in the manner theretofore or hereafter prescribed by the City. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other agriculture, horticulture, silvicultural, gardening or landscape purposes.

§211. Collection by unauthorized persons.

It is understood that any recyclable materials located at the curblines are the property of the City. It is further understood that any recyclable materials deposited in storage bins associated with commercial, industrial and institutional establishments belong to the property owner. Recyclable materials deposited in containers owned by the Clearfield County Solid Waste Authority are the property of the Authority.

§212. Accumulation of recyclables prohibited.

For reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the City, any of the types of recyclables defined within §203 of this part.

§213. Enforcement and administration.

The City Council of the City of DuBois shall appoint an enforcement officer or officers to enforce and administer the provisions of this part.

§214. Alternative disposition of recyclable materials.

Any person may donate or sell recyclable materials to individuals or organizations. Otherwise, such materials are to be placed at curbside, in drop-off facilities or storage bins or similar authorized locations for collection by the exclusive contractor or hauler as applicable.

§215. Violations and penalties.

A. Nonparticipation.

- (1) Upon the discovery of any violation under the terms of this article, the City may, through its authorized agent, give notice to the owner or occupant of a violation hereunder, either by personal delivery to such owner or occupant, by United States Mail directed to the last known address of such person or persons, as shown in the real estate registry record of the City, or by leaving the same on the premises where such violation occurs.
- (2) Such person shall, within seven days after the delivery, mailing or leaving of such notice, make settlement by paying to the City Treasurer of the City of DuBois a sum of not more than \$600 for the violation. Upon the failure of such person to make a

settlement, as aforesaid, within seven days, the City may institute an action for violation pursuant to Subsection B.

(3) Nothing contained in this section shall affect, in any way, the provisions of this part regarding separate offenses for every day any violation occurs.

- B. **Fines for nonparticipation or nonpayment.** On neglect or refusal of the occupant of any dwelling serviced by curbside recycling collection, residential dwelling unit or commercial, industrial or institutional establishment, to separate recyclable materials from municipal solid waste and place them at curbside or sites established by the City or its designated agent, or make a settlement as provided in Subsection A, that person shall, upon conviction before a Magisterial District Judge of such violation, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Clearfield County Jail for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each violation shall constitute a separate offense.

- C. **Unauthorized collection.** If any person, firm, corporation or other entity, unauthorized by the City or its designated agent collects or removes or causes to be collected or removed any such recyclable materials as specified in the City's ordinances and regulations, or in violation of the provisions of this part, such person, firm, corporation or other entity shall, upon conviction by a Magisterial District Judge in a summary proceeding, be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Clearfield County Jail for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day of a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a Magisterial District Judge, and be subject to a penalty imposed by this section for each and every day that such violation shall continue.

- D. **Pilfering of collection containers.** If any person is responsible for pilfering of collection containers issued to a residence slated for either curbside collection or any other phase of the City's Recycling Program, such person shall, upon conviction by a Magisterial District Judge in a summary proceeding be subject to a fine not less than \$100 nor more than \$1,000, together with the costs of prosecution, or imprisonment in the Clearfield County Jail for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a Magisterial District Judge and be subject to a penalty imposed by this part for each and every day that such violation shall continue. The affected resident will be responsible for replacing any missing container through purchase from the City of DuBois or its designated agent.


SECTION 2. All other ordinances or parts of ordinances or resolutions in conflict herewith be and the same are herewith repealed.

SECTION 3. The within Ordinance shall become effective upon final enactment hereof.

ATTEST:



 City Manager

By 

 Gary D. Gilbert
 Mayor and President of Council

PASSED BY COUNCIL:

 November 25, 2019

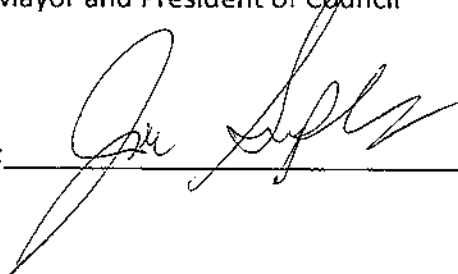
APPROVED: 

EXHIBIT A
Fact Sheet Handed Out at Public Hearing

GARBAGE FACT SHEET

1. Everyone in the City **MUST** have garbage pick-up.
2. Garbage/Recycling will be a line item underneath your water and sewer charges on you bill.
3. Senior Citizen
62 Yrs. of Age – No one in the home can work fulltime.
4. Multi-Family Dwellings
 - May have a Dumpster
 - ✓ Dumpsters **MUST** be picked up weekly.
 - ✓ Dumpster location **MUST** be approved by the City.
5. Unoccupied Dwellings
 - If you do not need garbage the bill can be waived for thirty days by calling the City.
 - Garbage will resume on the next billing cycle unless the owner calls the City.
6. **NO** more bag service.
7. A check will be issued by Advanced Disposal for anyone that has paid in advance for garbage service in 2020.
 - Multi-Dwellings with separate water meters for each dwelling will be billed for one residential trash on each water account.
 - Multi-Unit Dwellings with shared water meter will be billed for the number of units times the residential trash rate.
 - Multi-Unit Dwellings with a dumpster will receive a separate monthly bill for the Trash Only based on size of dumpster and pickup frequency.