

Later Amended by Resolution August 6, 1961 Page 44 - minute book

ORDINANCE NO. 156

AN ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED IN THE BOROUGH; PRESCRIBING REGULATIONS FOR THE STORAGE, DISPOSITION AND COLLECTION OF SAME, AND FOR THE ESTABLISHMENT OF FEES FOR THE COLLECTION AND DISPOSAL THEREOF; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Amended by Resolution Nov. 4, 1968 see page 123

BE IT ORDAINED AND ENACTED by the Borough of Berlin, Somerset County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

1. This ordinance shall be known as the "Municipal Garbage Collection Ordinance of 1959."

2. For the purposes of this ordinance the following definitions shall apply:

- (a) Ashes means the residue from the burning of wood, coal, coke or other combustible material.
- (b) Garbage means putrescible animal and vegetable wastes.
- (c) Rubbish means all nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
- (d) Person means any person, firm, partnership, association, corporation, company or organization of any kind.

3. The responsibility for compliance with this ordinance rests upon every person; and in addition thereto, responsibility for the sanitary conditions of any premises within the borough, and for the compliance with the provisions of this ordinance respecting the accumulation, collection and disposal of garbage, ashes and rubbish at or upon such premises, and respecting the payment of fees and charges for the collection of garbage and rubbish at said premises, shall rest upon the owner or owners of the premises and upon the occupant or occupants thereof, jointly and severally.

4. It shall be unlawful to place, deposit or accumulate any garbage, ashes or rubbish or to allow the same to be done, on any property or any highway, street or alley, or in any stream or any other body of water, except as permitted by the provisions of this ordinance.

5. Every owner and/or occupant of property within the borough shall provide or cause to be provided and kept at all times portable metal vessels or receptacles of a capacity of not more than twenty-one and one-half (21½) gallons of a generally accepted and recognized type of garbage can, to be water tight with lids and handles and no one item to exceed 100 lbs. in weight. Any container not conforming herewith, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, or handling the same shall be promptly replaced upon notice.

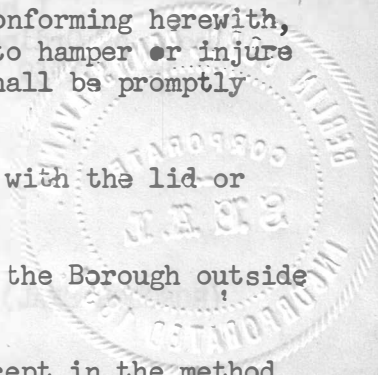
6. All garbage and rubbish shall be placed in the garbage cans with the lid or lids thereof tightly closed. Ashes may be also placed therein.

7. No person shall burn any garbage or rubbish at any place in the Borough outside of any building.

8. No person shall dispose of any garbage, rubbish or ashes except in the method and manner provided in this ordinance.

9. The Borough shall provide a collection service for garbage, rubbish and ashes for all premises within the borough and shall collect the aforesaid cans at least

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11. The collection service herein provided shall be the exclusive method and service for the collection of rubbish and garbage in the borough of Berlin, and shall be used at every premises upon which any garbage or rubbish is produced or accumulated, and the prescribed fee paid therefor by the owner and/or occupant of the premises. The fees and charges for such service, and the time, place and manner of payment thereof, shall be fixed from time to time by resolution. Each such resolution shall be advertised as borough ordinances are required to be advertised by law, and no such resolution shall become effective until the expiration of ten (10) days following such advertisement.

Delinquent accounts for such fees and charges shall be collected either by action in assumpsit against the party responsible therefor, or by filing a municipal claim for lien under the laws governing the filing thereof against the premises, or by both such methods.

12. Any person violating any provision of this ordinance shall upon conviction thereof before the burgess or any justice of the peace of the borough be sentenced to pay a fine of not more than Fifty (\$50.00) Dollars and costs of prosecution and in default of payment thereof to undergo imprisonment for not more than thirty (30) days, provided however that each day's violation or failure to comply shall constitute a separate offense.

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

Adopted this 6th day of July, 1959.

ATTEST:

Bert S. Walber
Secretary

George S. Dively
President of Council

Approved this 6th day of July, 1959.

Ralph A. Groff
Burgess

CERTIFICATION

I hereby certify that the foregoing ordinance is a true and correct copy of Ordinance No. 156 enacted by the Council of the Borough of Berlin on July 6, 1959.

Bert S. Walber
Secretary

(BOROUGH SEAL)

