

ORDINANCE NO. 361

AN ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTON AND DISPOSAL OF ALL GARBAGE, DEMOLITION MATERIAL, BUILDING MATERIAL, CONSTRUCTION MATERIAL, 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.

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. The Borough of Berlin, by Ordinance No. 156, as amended by Ordinance No. 214, 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 this establishment of fees for the collection and disposal thereof; and prescribing penalties for violations.
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 (something that is liable to decay) animal (need to be doubled bagged) and vegetable wastes.
  - c) Rubbish means all non-putrescible (something that is liable to not decay) solid waste (excluding ashes), consisting of both combustible and noncombustible wastes and other decomposable matter including but not limited to paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, similar materials and animal feces (need to be doubled bagged).
  - d) Person means any person, firm, partnership, association, corporation, company, or organization of any kind.
  - e) Demolition Material, Building Material, Construction Material means concrete, asphalt, wood, wallboard, drywall, glass, rubble, roofing material, clay, rock, sand, carpentry, insulation, plumbing, roofing, steel, cement, bricks, metal, toilets, sinks and other material that may pertain to this.
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, demolition material, building material, construction material, 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 or the premises and upon the occupant or occupants thereof, jointly and severally.

4. It shall be unlawful to place, deposit or accumulate any garbage, demolition material, building material, construction material, ashes, or rubbish or to allow the same to be done on any property, any highway, street, alley or in any stream or any 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 their own receptacles/cans of a capacity of not more than thirty (30) gallons accepted, and recognized type of garbage can to be watertight with lids and handles and no one item/bag to exceed 35 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. No person shall burn any garbage or rubbish at any place in the Borough outside of any building.
7. No person shall dispose of any garbage, demolition material, building material, construction material, rubbish or ashes except in the method and manner provided in this ordinance.
8. The Borough shall provide a collection service for garbage, rubbish, and ashes for all premises within the Borough and shall collect the aforesaid cans and garbage bags at least once a week, at a regular date to be specified by the Borough to the owner or occupant of the property. The owner or occupant shall place or cause to be placed the garbage cans and garbage bags, filled as aforesaid at the sidewalk/curb of the street which shall be conveniently an easily accessible and approved by the Borough on the evening before the date fixed for the collection thereof no later than 7:00 a.m. the date fixed for collection. The collectors for the Borough will remove in as clean and efficient manner as possible all of the garbage, rubbish and ashes in said cans and return the cans with lids tightly closed to the place received. All garbage cans are to be removed/placed back to the home away/secluded from the sidewalk/curb of the street the date fixed for the collection.
9. The garbage and refuse shall comply with the following regulations before being placed in the cans:
  - a) Garbage shall be drained and all bagged.
  - b) Cans, glass, and bottles shall be drained and bagged.
  - c) Rubbish shall all be bagged.
  - d) Cardboard boxes need to be broken down and placed in a larger box or bagged.
  - e) All garbage must be bagged, no loose garbage.
  - f) Weeds, limbs, boards. Sticks and the like may be placed for collection without being placed in the can provided the same are securely bundled and do not exceed three (3) feet in length.

10. Demolition Material, Building Material, Construction Material will not be collected at any time by the Borough.

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 in accordance with applicable laws.

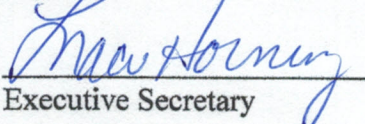
Delinquent accounts for such fees and charges shall be collected either by action in assumpsit against the party responsible therefor, or by filing a municipal claim for lien under the laws governing the filing thereof against the premises, or by both such methods. The Borough of Berlin may collect reasonable attorney's fees and costs incurred in its suit to collect delinquent accounts and/or filing a municipal claim.

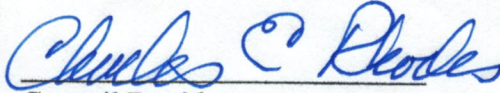
12. Any person violating any provision of this ordinance shall upon conviction thereof before the magistrate be sentenced to pay a fine of not more than Three Hundred (\$300.00) dollars and costs of prosecution and in default of payment thereof to undergo imprisonment for not more than thirty (30) days, 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.

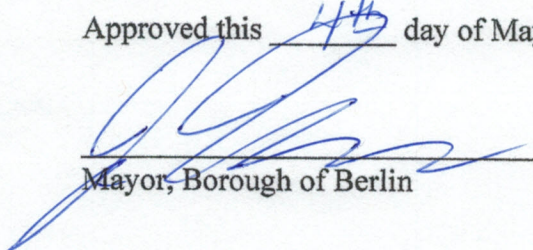
Adopted this 4<sup>th</sup> day of May 2023.

ATTEST:

  
Executive Secretary

  
Council President

Approved this 4<sup>th</sup> day of May 2023.

  
Mayor, Borough of Berlin