

**CHAPTER 205**  
**SOLID WASTE-GARBAGE, RUBBISH AND OTHER REFUSE**

Storage, Collection and Disposal of Refuse

Council for the Borough of Linesville desires to, in the public interest, codify rules and regulations regarding Solid Waste-Garbage, Rubbish and other Refuse within the Borough. NOW, THEREFORE, be it ordained and enacted by the Linesville Borough Council, and it is hereby ordained and enacted by the authority of the same, as follows:

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|--|------------------------------------|
| § 205-1. Title                                   | § 205-10. Private Dumpsters        |
| § 205-2. Definitions                             | § 205-11. Theft of Services        |
| § 205-3. Mandatory Service/Prohibited Activities | § 205-12. Repealer                 |
| § 205-4. Bring Waste into Borough                | § 205-13. Injunction Powers        |
| § 205-5. Preparation for Collection              | § 205-14. Violations and penalties |
| § 205-6. (Reserved)                              | § 205-15. Enforcement              |
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**§ 205-1. Title.**

This article shall be known as the "Solid Waste-Garbage, Rubbish and other Refuse Ordinance of Linesville Borough".

**§ 205-2. Definitions.**

As used in this Article, the following terms shall have the meanings indicated, except where the content specifically indicates otherwise:

**Act 97** -- The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980), as amended and/or supplemented.

**Act 101** -- The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), as amended and/or supplemented.

**Authority** -- shall mean the Crawford County Solid Waste Authority, the designated County implementing agency for the Crawford County Municipal Waste Management Plan.

**Borough** -- shall mean the Borough of Linesville Crawford County, Pennsylvania.

**Bulky Waste** -- shall mean large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to size, shape or weight.

**Collector or Waste Hauler** -- shall mean any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of municipal waste.

**Commercial Establishment** -- means any establishment engaged in nonmanufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters. A townhouse, fourplex, triplex or condominium dwelling, whether single or multilevel construction, consisting of three or more contiguous or separate single-family dwelling units, shall be treated as a commercial establishment.

**Container** -- a portable device in which waste is held temporarily for storage or transportation.

**County** -- shall mean the County of Crawford or the Crawford County Board of County Commissioners.

**Department or DEP** -- shall mean the Pennsylvania Department of Environmental Protection (DEP).

**Disposal** -- means the deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

**Domestic Waste or Household Waste** -- means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

**Dumpster** -- A metal storage receptacle used to temporarily store debris and/ or garbage and which is then emptied of its contents or removed with its contents to a dump site.

**Garbage** -- means any solid waste derived from animal (including fowl), grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

**Hazardous Waste**- means waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

**Industrial Establishment** -- means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

**Institutional Establishment** -- means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

**Leaf Waste** -- Leaves (including pine needles), garden residues, shrubbery and tree trimmings, and

similar material, but not including grass clippings.

**Licensed Collector or Licensed Waste Hauler** -- shall mean any municipal waste collector or hauler possessing a current, valid County License issued by the Crawford County Solid Waste Authority pursuant to County Ordinance No. 1-1992 as amended and/or supplemented.

**Municipal Waste** -- means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

**Municipality** -- shall mean the Borough of Linesville, Crawford County, Pennsylvania.

**Person** -- means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties.

In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

**Refuse**- means garbage and/or rubbish as herein defined.

**Residential Unit** -- means a dwelling or group of rooms occupied by a person or group of persons comprising not more than two separate single-family dwelling units. A residential unit shall be deemed occupied when either water or domestic light and power services are supplied thereto.

**Rubbish** -- means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

**Salvaging** -- The controlled removal or recycling of material from a solid waste processing or disposal facility.

**Scavenging** -- means the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

**Solid Waste** -- means any waste or rubbish, including, but not limited to, municipal, or residual or household wastes, including solid, liquid, semisolid or contained gaseous material.

**Street** -- The portion of any street, alley, and other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**Storage** -- means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal; This presumption can be overcome by clear and convincing evidence to the contrary.

**Temporary Dumpster**-- A dumpster used or intended as a disposal facility for construction, renovation and/ or demolition projects, special events, seasonal use, or other intended purpose not intended to be permanent and as approved by Borough or its designated officer.

**Transportation** -- means the off-site removal of any solid waste at any time after generation.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

### **§ 205-3. Mandatory Service/Prohibited Activities.**

1. Except as otherwise permitted in this Ordinance, all garbage, rubbish, refuse and/or solid waste shall be collected, conveyed, and disposed of by the Borough through its designated collector or waste hauler.
2. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Municipality, any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with this Ordinance, Borough Regulations and all applicable Department rules and regulations.
3. No person shall place any garbage, rubbish and/or refuse in any street, alley or other public place nor upon any private property whether owned by such person or not within the Borough except it be in proper receptacles or containers for collection in accordance with this ordinance.
4. No person shall throw or deposit any garbage, rubbish and/or refuse in any stream or other body of water nor upon any public street, park or other grounds.
5. Any unauthorized accumulation of garbage, rubbish and/or refuse on any premises is hereby declared to be a nuisance and prohibited.
6. The failure to remove any accumulation of garbage, rubbish and/or refuse within seven (7) days after notice to do so shall be deemed a violation of this ordinance and subject such violator to the penalties and/or remedies provided herein.
7. It shall be unlawful for any person to process and/or dispose any garbage, rubbish, refuse and/or solid waste in the Municipality except in accordance with this Ordinance, Borough Regulations and all applicable Department rules and regulations.
8. It shall be unlawful for any person to collect, haul, transport or remove any garbage, rubbish, refuse and/or solid waste from public or private property within the Municipality without a current, valid license to do so issued by the Crawford County Solid Waste Authority and/or other appropriate authorities.
9. It shall be unlawful for any person to salvage or reclaim any garbage, rubbish, refuse and/or solid waste within the Municipality except at an approved and permitted resource recovery facility under applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

10. It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for collection, or to discard or dispose of any lead acid battery except by delivery to a secondary lead smelter permitted by the U.S. Environmental Protection Agency, or a collection or recycling facility approved by the Department.
11. It shall be unlawful for any person to place any paint or paint cans that are not completely empty or dry in mixed municipal or solid waste for collection.
12. It shall be unlawful for any person to place oil (other than for household use) or any other hydrocarbon or polar solvent in mixed municipal or solid waste for collection.
13. It shall be unlawful for any person to place any hazardous waste for collection.

**§ 205-4. Bring Waste into Borough.**

1. It shall be unlawful for any person to bring or transport into the Municipality any garbage, rubbish, refuse and/or solid waste from outside the Municipality except in accordance with this Ordinance, Borough Regulations, and all applicable Department rules and regulations.
2. Residents may bring for removal personal-solid waste or refuse accumulated from vacations, camping trips, and the like so long as the resident otherwise complies with this Ordinance.

**§ 205-5. Preparation for Collection.**

1. All garbage, rubbish, solid waste and/or refuse before being placed in proper receptacle or container for collection shall have drained from it all free liquids.
2. Garbage may be wrapped in paper, plastic, proper receptacle or another container approved by the Borough.
3. All garbage, rubbish, refuse and/or solid waste shall be placed for collection at the curbside of the property not more than 24 hours before the time scheduled for collection.
4. All receptacles and/or containers used to hold garbage, rubbish, refuse and/or solid waste must be removed from the curbside of the property not more than 24 hours after the time of collection.

**§ 205-6. (Reserved).**

**§ 205-7. Garbage becoming litter.**

- A. Any garbage, rubbish, refuse or other solid waste that is placed at curbside for pick-up, that is blown around, and/or scattered by any means, intentional or unintentional, including by animals, shall be considered litter by the owner and/or resident, and must be completely picked up, or it shall be a violation of this ordinance (no warning is required).

- B. Hauling contractor shall not be responsible for garbage, rubbish, refuse and/or solid waste that has been spread or removed from containers and/or receptacles by any means while placed at curbside.
- C. Property owner and the lawful occupant or resident (including Landlord and/or tenant) shall each be liable individually for violations under section 205-7.
1. Quantities of refuse permitted to be placed at the curb may be set by Resolution of Borough Council.
  2. The storage of all garbage, rubbish, refuse and/or solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents so as to eliminate conditions harmful to public health; and eliminate conditions which create safety hazards, odors, unsightliness or public nuisances.
  3. It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers and/or receptacles shall be kept in a reasonable condition to eliminate safety hazards, odors, unsightliness or public nuisances.
  4. Any garbage, rubbish, refuse and/or solid waste receptacle or container that does not conform to the provisions of this ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice by the Borough or its hauling Contractor/Franchisee.
  5. Upon failure to comply with such notice, the said defective receptacle and/or container may be removed as refuse.

**§ 205-8. Collection Practices.**

1. Fees for the collection shall be in accordance with the fees established between Council and its Franchisee in accordance with a duly authorized Resolution of Council.
2. Except as otherwise provided herein, all refuse, garbage, rubbish and/or solid waste accumulated in the Borough of Linesville shall be collected, conveyed and disposed of by the Borough, or its designee or franchisee, and the cost of such service shall be paid for as hereby provided by the person producing the refuse, garbage, rubbish and/or solid waste or the person responsible for the existence or the disposal thereof including but not limited to the property owner and/or the lawful occupant or resident.

**§ 205-9. Licensing Requirements.**

1. No person shall collect, remove, haul, or transport any garbage, rubbish, refuse and/or solid waste upon or through any streets or alleys of the Municipality without first obtaining a license from the Crawford County Solid Waste Authority pursuant to the requirements of County Ordinance No. 1- 1992, as amended and/or supplemented.

**§ 205-10. Dumpsters.**

## **1. Private Dumpsters**

### **A. Authorization.**

Owners of businesses, industries, hotels, restaurants, schools and/or educational facilities, churches and/or religious facilities, and/or multi-unit apartments may elect to contract for private refuse service by the use of dumpsters, at the owner's expense, so long as the Borough is notified and has approved of the use of such dumpster(s). Dumpsters shall not be permitted for use at residential units consisting of 1 or 2 units.

### **B. Emptying Dumpsters.**

1. Dumpsters may only be emptied by a collector or waste hauler from the prevailing time of 6:00 am until 11:00 pm.
2. The use and dumping of dumpsters may be regulated by duly authorized Resolution of Borough Council.

### **C. Storage locations.**

Dumpsters shall be located on the property so as to be out of sight as much as possible from public street and shall not be placed on or within 10 feet of any street, alley or public right of Way unless otherwise approved by the Borough or its designee.

### **D. Safety.**

1. Dumpsters may be placed no closer than five (5) feet from any structure, unless it is protected by a sprinkler system, as authorized by the prevailing Fire Code.
2. Dumpsters must have a closable lid that can be kept locked, if required by the Borough or its designee.

### **E. Locked Dumpsters.**

Council may require lids and/or access to dumpsters to be locked due to one or more of the following conditions:

1. Animals, insects or rodents entering the dumpsters
2. Debris being scattered from dumpsters by any means.
3. Person inhabiting or scavenging in dumpsters
4. Public use of the dumpster without written authorization
5. For fire protection purposes.

### **F. Temporary Dumpsters.**

1. Temporary dumpsters shall be permitted with written permission of the Borough and a permit issued through the appropriate application process.
2. Temporary dumpsters may not be placed on streets, alleys or rights-of-ways unless authorized by the Borough or its designee.

3. Temporary dumpsters must be removed with 2 weeks of placement unless this period is extended and authorized by the Borough or designated officer.

**G. Sanitary conditions.**

Any spillage or overflow from dumpster(s) must be cleaned daily.

**§ 205-11. Theft of Services**

It shall be a violation of this Ordinance for any person, with the intention to avoid having to pay for such service, to place any garbage, refuse, solid waste or rubbish in or on the property of another.

**§ 205-12. Repealer.**

It is the intention of Borough Council that each separate provision of this ordinance shall be independent of all other provisions herein.

It is further the intention of Borough Council that if any of the provisions of this ordinance be declared to be invalid, all of the other provisions hereof shall remain valid and in force.

**§ 205-13. Injunction Powers.**

The Borough may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance. This power shall be in addition to all other powers provided herein.

**§ 205-14. Violations and penalties.**

1. Any person violating the provisions of this Ordinance, Borough Regulations or Resolutions, and/or Department Rules and Regulations shall, upon conviction, shall be sentenced to pay a fine and shall be subject to any other such penalties as set by duly adopted Resolution of Borough Council.
2. Each day's continuance of a violation of this Ordinance shall constitute a separate offense.
3. In addition to any of the fines and penalties set forth by Resolution of Borough Council, the Borough shall also have available any and all remedies in law and/or equity to enjoin violations or to enforce compliance of this Ordinance.

**§ 205-15. Enforcement**

This ordinance may be enforced by the Code Enforcement Officer, Linesville Police Department, or any other person so designated by Council.

**§ 205-16. Severability.**

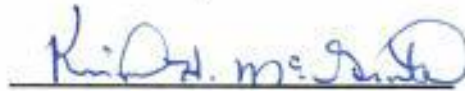
1. In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

**§ 205-17. Conflict.**

1. Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.
2. This Ordinance specifically repeals in its entirety Chapter 211 of the Code of Linesville Borough and replaces the same with this Chapter 205.
3. This Ordinance specifically repeals and replaces in its entirety Section 307 entitled "Rubbish and Garbage" of the International Property Maintenance Code, 2006 Edition, as incorporated and adopted pursuant to Chapter 178 of the Code of Linesville Borough entitled "Property Maintenance".

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this 14 day of September, 2021.



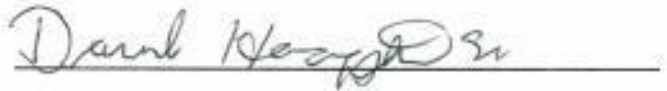
**Kevin McGrath, Council President**

ATTEST:



**Amanda Harper, Borough Secretary**

APPROVED:



**David Hoogstad Sr., Mayor**