

CHAPTER 208: SOLID WASTE

[HISTORY: Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. 94.

Property maintenance — See Ch. 173.

Article I. Storage, Collection and Disposal

[Adopted 1-17-1961 by Ord. No. 152; amended in its entirety 4-9-1985 by Ord. No. 238 (Ch. 20, Part 1, of the 1985 Code)]

§ 208-1. Intent and purpose.

[Amended 1-8-2013 by Ord. No. 348] All domestic, commercial and industrial refuse accumulated or stored upon any property within the Borough of Newport shall be collected and removed by a responsible collector in accordance with all state regulations and shall provide the Borough with a certificate of liability insurance.

§ 208-2. Definitions.

- A. A. As used in this article, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

ASHES

Residue from the burning of coal, coke or other combustible material.

DISPOSAL

Storage, collection, disposal, or handling of garbage.

DWELLING

Place of residence within the Borough of one or more persons where refuse is generated

through normal living habits. It shall not include apartments or buildings devoted to multiple-family occupancy.

GARBAGE

All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

OCCUPANT

Person generally in possession and control of any dwelling.

PERSON

Any natural person, association, partnership, firm or corporation.

REFUSE

All solid waste, except human body wastes, including garbage, ashes, and rubbish.

RUBBISH

Glass, metal, paper, plant growth, wood, or nonputrescible solid waste.

SOLID WASTE

Any waste, including but not limited to, municipal, residual, or hazardous wastes, including solidified liquids, semisolids, or contained gaseous materials.

- B. In this article, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 208-3. Licensing of collectors.

- A. No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the Borough or dispose of the same in any manner or place without obtaining a license. Editor's Note: Original Subsection 2, regarding providing types of refuse to be collected, Subsection 3, regarding denial of license related to place and method of disposal,

and Subsection 4, regarding change in arrangements for disposal, which followed this subsection, were repealed 1-8-2013 by Ord. No. 348.

- B. It shall be unlawful to permit an unlicensed collector to collect or remove garbage from any household.

§ 208-4. Containers for weekly collection.

Every family or household at whose premises refuse is collected or removed shall provide and maintain at all times, a portable metal, plastic receptacle, or trash bag. The same must be watertight, equipped with a tight fitting cover, and each receptacle shall be kept in a clean and sanitary condition.

§ 208-5. Point of collection.

[Amended 1-8-2013 by Ord. No. 348] The contractor shall pick up all refuse on the property at the curb or along the alley, in accordance with specifications established by the Borough.

§ 208-6. Cost.

The cost of weekly garbage collection shall be based on the number and size of the containers as established by the contract with the collector.

§ 208-7. Schedules.

[Amended 1-8-2013 by Ord. No. 348] The contractor shall be responsible to notify residents of the days collections will be made.

§ 208-8. Hours of operation.

The collector shall be permitted to collect, remove and transport refuse on all days of the week, except Sunday and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and unless otherwise ordered, the collection of refuse shall not commence before 6:00 a.m., and shall be completed by 6:00 p.m., on any single day of collection. All refuse from cans and receptacles of occupants of dwellings shall be collected, removed and emptied by the collector at least once each week.

§ 208-9. Accumulation of garbage prohibited.

- A. Except as concealed and properly stored for weekly trash pickup in permitted containers or receptacles, no refuse, garbage, trash, construction or demolition waste, debris, junk or similar items or substances shall be allowed to be spread, strewn, placed, remain or

accumulate at any site within the Borough, on the ground, at property, home site, lawn or yard, driveway or along the street or alley, or be deposited on highways (including street, alley, sidewalk or public way), vacant lots or other property, nor be thrown in any stream, body of water or other common or public area.

- B. Refuse, garbage, trash and like materials, held for weekly trash pickup, shall be concealed at all times, except for a period prior to the time scheduled for pickup or collection which is no longer than necessary for a particular property owner; provided, however, that no placement for pickup, under any circumstances, shall be any earlier than 24 hours prior to the scheduled pickup time. Empty containers shall be removed to the premises from the designated collection point by 7:00 p.m. of the day of collection. Except for the limited period permitted hereunder, all such refuse, garbage, trash and like materials is required to be concealed as herein specified.[Amended 1-8-2013 by Ord. No. 348]
- C. It shall be the duty of every owner of property and every person occupying a dwelling unit, multifamily establishment, premises or place of business or other property, located within the Borough, at his or her expense, to provide and maintain at all times, a sufficient number of containers to hold all waste accumulated between intervals of collection, where such waste is placed outside a building.
- D. All such containers referenced in Subsection C above and required by the within ordinance, shall be durable, watertight and made of a rigid rust-resistant metal or plastic.

§ 208-10. Preparation for collection.

[Amended 1-8-2013 by Ord. No. 348] All garbage prepared for collection shall be placed in an approved container established by the licensed trash collector.

§ 208-11. Equipment of collector.

- A. The collector shall be required to collect and remove refuse in motor-driven vehicles having enclosed steel bodies with steel covers and watertight and nonleakable automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse under such agreement so as to assure general cleanliness and sanitation throughout the entire process and operation thereof.
- B. The collector shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him, and to furnish, at his own cost, all vehicles,

machinery and equipment necessary for the proper performance of such contract. Editor's Note: Original Section 112, Disposal, which followed this section, was repealed 1-8-2013 by Ord. No. 348.

§ 208-12. Billing procedure.

[Amended 1-8-2013 by Ord. No. 348] The collector shall enter into individual or separate contracts with each householder or occupant of the premises, without liability to or upon the Borough. Each household or occupant is responsible to have a trash collector. Editor's Note: Original Section 114, Complaints, Section 115, Assignment of contract, Section 116, Workmen's compensation and social security, and Section 117, Collector as independent contractor, which followed this section, were repealed 1-8-2013 by Ord. No. 348.

§ 208-13. Insurance coverage.

[Amended 1-8-2013 by Ord. No. 348] Each collector shall provide a certificate of liability. Editor's Note: Original Section 119, Cancellation of license, which followed this section, was repealed 1-8-2013 by Ord. No. 348.

§ 208-14. Faithful performance.

[Amended 1-8-2013 by Ord. No. 348] Faithful performance must be of the essence of the license unless prevented by unavoidable accident, act of God or public immunity, or any restrictions or embargoes imposed by the federal government or any agency thereof; and it is understood and agreed that all material shall be collected, removed, and disposed of in a skillful and businesslike manner. Editor's Note: Original Section 121, Evidence of satisfactory equipment, Section 122, Certified list of customers, and Section 123, Extension of date for obtaining license, which followed this section, were repealed 1-8-2013 by Ord. No. 348.

§ 208-15. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and/or to imprisonment for a term not to exceed 30 days.