**BOROUGH OF NORTH CATASAUQUA NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO.** **2023 –441**

**AN ORDINANCE OF THE BOROUGH OF NORTH CATASAUQUA, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING ITS SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE #367.**

 **WHEREAS,** the Borough of North Catasauqua is mandated by Pennsylvania’s Act 101, entitled the “Municipal Waste Planning Recycling and Waste Reduction Act – Municipal Implementation of Recycling Programs” to have and maintain a recycling program within the Borough; and

 **WHEREAS,** the Borough of North Catasauqua contracts with a third-party entity to provide waste collection and disposal and recycling services to its citizens; and

 **WHEREAS,** pursuant to Section 1202(8) of the Borough Code, the Borough is empowered to provide for the collection of garbage and other refuse material within the Borough, and it impose and collect reasonable fees therefor; has determined the need to revise its Solid Waste Collection and Disposal Ordinance.

 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED,** by the Council of the Borough of North Catasauqua, County of Northampton, Commonwealth of Pennsylvania, that Ordinance #367 shall be amended as follows:

§101. Definitions.

ASHES – Means the residue from the burning of wood, coal, coke or other combustible materials.

COMMERCIAL UNIT – Means any business or industrial establishment which is not included under the definition of "residential unit".

GARBAGE - When used in this Chapter, is declared to be what is commonly known as household waste, including any means the animal, fruit and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and the residue from the fruit trees located on the premises. It shall not include food-processing wastes from industries such as canneries or packing plants nor large quantities of condemned food products.

HAZARDOUS WASTE – Means any solid waste which is within the definition of “Hazardous Waste” set forth in Section 103 of the Solid Waste Management Act, Act of July 2, 1980, P.L. 380, No. 97.

MUNICIPAL WASTE – Means garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid 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 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plan, or air pollution control facility.

OWNER – Means the person or persons of record as owners of a property located in the Borough of North Catasauqua.

PERSON – Means a natural person, firm, co-partnership, association, school, church, institution, corporation or other lawful entity.

RECYCLABLES – Means all glass, aluminum, bottles and cans, cardboard (cut into 2’x2’ sections and bundled), plastics (numbers one (1) through seven (7), newspaper, magazine, junk mail, all food material boxes and any other materials which may be designated from time to time by the Borough of North Catasauqua.

REFUSE – Means garbage, ashes, rubbish and riffraff as herein defined.

RESIDENT – Means any Person residing in the Borough.

RESIDENTIAL UNIT – Means any single-family, double-family or apartment dwelling, buildings owned by the Borough, convents, churches, banks, business and professional offices, barber shops, beauty salons and newspaper and magazine shops.

RIFFRAFF – Means all waste material other than ashes or garbage which can be collected in a forty-five (45) gallon container. Examples include, but are not limited to: furniture, tanks, tubs, stoves, large dead animals, tree trimmings, refrigerators, tires, mattresses, lawn mowers, etc. Heavy items must be dismantled by the Owner such that any given item or component to be lifted by the contractor will not exceed 150 pounds. The Contractor shall be responsible for the collection of riffraff items from residential units, at no additional cost, once-a-month, on a day to be chosen by Borough Council.

RUBBISH – Means all waste material other than Ashes or Garbage which can be collected in a forty-five (45) gallon container such as paper, rags, street sweepings, small dead animals, excelsior, straw, boxes, old clothes and shoes, leather scraps, pieces of carpet, grass, leaves, twigs, branches, hedge trimmings, cloth, glass, China, wood, sand, brick, tile, etc.

WHITE GOODS – Means large electrical goods used domestically such as refrigerators and washing machines.

§102. Residential Unit Collection

1. All municipal waste and recyclables accumulated by residential units in the Borough of North Catasauqua shall be collected, conveyed, and disposed of by a hauler designated by the Borough of North Catasauqua in accordance with the regulations of this Part and any other applicable regulations of the Borough.
2. Christmas trees shall be included as part of the annual service of the Borough, but can only be collected as provided by the Borough.
3. The cost for the residential collection service as defined under this Part and as fixed from time to time by the Council of the Borough of North Catasauqua shall be borne and paid for by the owner of the premises from which the garbage, rubbish and ashes is collected.
4. The collection and disposal of municipal waste and recyclables in the Borough of North Catasauqua shall be under the supervision of Borough Council or their designee. Council shall have authority to determine and make regulations concerning collection schedules, collection, type and location of waste containers, and such other matters pertaining to collection and disposal of municipal waste and recyclables as it may deem advisable, and to change and modify the same after notice as required by law.
5. Borough Council shall, pursuant to its authority to do so, set schedules for the collection of the collection of residential refuse in the various categories and sections of the Borough and shall give public notice thereof. Such schedules shall provide for one (1) collection for each and every week throughout the year. No collections shall be made on Saturdays or Sundays, OR on the following holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans’ Day (observed), Day), Thanksgiving Day, the Friday following Thanksgiving, and Christmas Day.
6. If any municipal waste and/or recyclables are placed on the streets for collection other than according to the requirements of this Part, Borough Council may provide for the collection of same at the expense of the owner, the amount to be determined by Borough Council, including employee overtime pay.
7. All persons owning and/or occupying residential units within the Borough of North Catasauqua shall dispose of all municipal waste, recyclables, and Christmas trees by the collection service as designated by the Borough and no such person or persons shall transport or dispose of any refuse by any means not approved by this Part. Any apartment complex consisting of more than eight (8) units may be exempted upon application to and approval by Borough Council.
8. No municipal waste and recyclables may be set out more than twenty-four (24) hours prior to scheduled pickup.

§103. Containers, Packaging, Etc.

All households shall provide individual containers of not less than five (5) gallons, nor more than forty-five (45) gallons capacity, which containers shall be of metal or plastic with tightly fitting covers, shall be windproof, shall be equipped with handles and shall be designed to be carried by one (1) individual; and that the occupants and proprietors of the places where ashes, refuse and rubbish are accumulated shall provide a sufficient number of containers so that the aggregate capacity shall be sufficient for normal needs between the intervals of collection. Provided, however, that the total loaded weight of any such container shall be not more than fifty (50) pounds, and further that it shall be the responsibility of each and every householder to maintain said containers in proper condition for the storage of said materials therein and the handling thereof by the employees of the contractor. All municipal waste for collection under this Ordinance shall be bagged.

§104. Accumulation and Disposal of Municipal Waste and Recyclables Within the Borough Restricted.

It shall be unlawful for any person as defined herein to burn, bury or otherwise dispose of municipal waste and recyclables within the limits of the Borough except as herein provided. Nor shall municipal waste and recyclables be permitted to accumulate on any private property, but shall be disposed of through municipal or private collection as may be applicable hereunder at such intervals and in such manner as not to be a menace or nuisance to public health, sanitation, cleanliness, or safety; provided that nothing in this Section shall be construed to prevent the use of clean ashes for fill in such places where ashes are a suitable material, such that the use shall not be a detriment to public health, sanitation, cleanliness, or safety, and where this use of clean ashes for fill is duly authorized by the owner of the property.

§105. Residential Fees. Penalties and Delinquencies.

* 1. The fees for the residential collection and disposal service shall be determined by Resolution of Borough Council.
	2. All bills for the residential collection and disposal service shall be rendered annually to the owner of each property based on the number of residential units in or on the said property and the bill shall thereupon be immediately due and payable. All bills shall be payable at the place designated on the bills rendered for same. All accounts shall be considered delinquent if not paid within ninety (90) days after the date of the bill and accounts which are not paid within ninety (90) days after the date of the bill shall be subject to interest of ten percent (10%) and a penalty of five percent (5%) per month on any amount outstanding after ninety (90) days from the date due. Borough Council shall designate an individual to collect payments due and owing, and if an account is not paid within ninety (90) days, said individual shall refer the account to the Borough Solicitor with instructions to proceed for the collection of such unpaid charges, together with all interest and penalties thereon, plus attorney fees, by an action in assumpsit or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

§106. Commercial Unit Collection.

All commercial units shall have the authority to employ any refuse contractor to collect their refuse, provided that the contractor complies with all of the Sections of this Part and other applicable regulations of the Commonwealth and/or Northampton County.

§107. Prohibited Acts.

On and after the date of approval of this Part, pursuant to the authority contained herein:

* + 1. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of North Catasauqua or dispose of any municipal waste or recyclables accumulated in said Borough in any manner not approved of in this Part or subsequent regulations.
		2. It shall be unlawful for any person to place any municipal waste or recyclables in any street, alley or other public place or upon private property, whether owned by such person or not, within the Borough, except in proper receptacles for collection. No person shall throw or deposit any municipal waste or recyclables in any stream or other body of water.
		3. It shall be unlawful for any person not a resident of the Borough of North Catasauqua to deposit any municipal waste or recyclables at or near any residential unit for collection and disposal of same.
		4. It shall be unlawful for any person to allow any accumulation of refuse on any premises in the Borough of North Catasauqua other than for the purpose of collection in the manner provided by this Part, or by special regulation of Borough Council or its designee, or the Board of Health. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulations of refuse within seven (7) days of notice to either the occupant or owner by Borough Council or its designee shall be deemed a violation of this Part.
		5. It shall be unlawful for any person, other than occupants of the premises on which refuse receptacles are stored, or the collector, to remove the covers of any of the refuse receptacles or to remove the refuse stored in such containers.
		6. It shall be unlawful to place in any containers provided for refuse collection any refuse which is highly flammable or explosive.
		7. It shall be unlawful to haul refuse over the streets of the Borough of North Catasauqua in any vehicle other than a watertight vehicle provided with a tight cover so as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped or spilled therefrom. No refuse shall be dumped or disposed of within the limits of the Borough of North Catasauqua.

§108. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than Twenty-Five Dollars ($25.00) and not exceeding Six Hundred Dollars ($600.00) plus costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

§109. Discounts for Certain Persons.

Annual fees for collection and disposal of residential refuse may be discounted in such amounts and for such persons or classes of persons as provided, from time to time, by resolution of Borough Council.

§110. Inconsistent Ordinances Repealed.

 All other Ordinances or parts of Ordinances in conflict herewith in whole or in part are hereby repealed, but only to the extent of such conflict. All Ordinances or parts of Ordinances or Resolutions conflicting with any of the provisions of this Ordinance are hereby repealed.

§111. Enactment and Effective Date.

 This Ordinance shall take effect immediately upon the enactment thereof.

**DULY ORDAINED AND ENACTED** this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, by the Borough Council in lawful session duly assembled.

ATTEST: BOROUGH OF NORTH CATASAUQUA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Tasha Jandrisovits, Secretary Peter Paone, President

 Approved this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023.

 By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 William J. Molchany, Jr., Mayor