

O F F I C I A L

BOROUGH OF AVALON

ORDINANCE NO. 1155

AN ORDINANCE OF THE BOROUGH OF AVALON IMPOSING A CHARGE ON SERVICES TO RESIDENTIAL UNIT OWNERS FOR THE COLLECTION, REMOVAL AND DISPOSAL OF ALL GARBAGE AND HOUSEHOLD RUBBISH IN THE BOROUGH OF AVALON FOR A PERIOD OF TWO YEARS AND A LIKE AND EQUAL PERIOD THEREAFTER, UNLESS AMENDED OR REPEALED: DEFINING THE NECESSARY TERMS FOR THE PROPER COLLECTION AND CHARGES: REQUIRING THE PAYMENT OF SUCH CHARGES IMPOSED AND PROVIDING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE:

WHEREAS, the Council of the Borough of Avalon did properly advertise for competitive bids for the weekly removal and disposal from premises of a unit, all garbage and household rubbish other than building materials, and certain other materials, from the rear of the property, or if there is no alley, from the front, and said bids were awarded for a period of two years, beginning January 1, 1983 and ending December 31, 1984, in accordance with the Avalon Borough specifications set forth at the time of bidding, and;

WHEREAS, the bids were awarded to the lowest responsible bidder meeting the specifications, and;

WHEREAS, the Borough of Avalon is in need of additional funds to meet the amount necessary to pay for proper garbage and household rubbish collection, and;

WHEREAS, Council of the Borough of Avalon deems it necessary, in accordance with the provisions of the Borough Code of the Commonwealth of Pennsylvania, to impose a fee for the collection of said garbage and household rubbish on each unit as hereinabove set forth.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Avalon, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION I. DEFINITIONS.

a. CURB PICK-UP: Curb pick-up shall be defined as lifting garbage and household rubbish at the rear property line as if it were a curb, where the building lot abuts a public vehicular alley, which shall be the PREFERRED PICK-UP POINT. If the lot does not abut a rear alley, the curb of the front street of the building lot shall be the garbage and rubbish pick-up point. In neither case shall the Contractor be obligated to travel beyond the property line to pick up garbage or rubbish. The Borough's two public parks and municipal building shall be an exception to this definition. Special exceptions shall be made for any resident upon receipt of a doctor's certification of disability presented to the Avalon Borough Administrative Office.

b. UNIT: All residential buildings containing one, two or three dwelling units. In the event that the residential building shall contain two or three residential dwellings, each dwelling shall be determined to be a unit.

c. GARGAGE: The term garbage means all refuse and animal and vegetable matter which may have been or was intended to be used for food; all putrescible material, food cans or food containers, broken dishes, glass

chinaware, bottles (glass and plastic); all paper cartons in which such garbage may be wrapped. This shall include all excess fruit from trees on residential property.

d. HOUSEHOLD RUBBISH: The term household rubbish means all rags, broken glass, old paint cans, paper cartons, grass, weeds, leaves, and other similar debris; trees and brush (cut to 24" lengths and tied in bundles); crockery, all bottles, all tin cans, paper, clothing, leather goods, coat hangers, small toys, shoes, cooking utensils, incinerator refuse, ashes, packing straw, discarded mail, newspapers and magazines tied in bundles, trunks, stoves, furnace pipe, tires, heaters, household appliances, furniture, springs, mattresses, and household refuse generally.

e. DEAD ANIMAL: The term dead animal means all dead animals or parts thereof.

f. SERVICES: The collection, removal and disposal of all garbage and household rubbish.

g. EXCLUDING:

1. Refuse caused by repairs, alterations of residences, new construction of building and sidewalks, such as bricks, earth, broken stone, concrete, sand and like materials.

2. Automobile parts.

3. Residential buildings containing four (4) or more residential dwellings.

4. Commercial uses.

SECTION II.

Once every seven (7) days the Avalon Borough collector shall collect and dispose of all garbage and household rubbish as defined herein from all one, two and three residential units.

SECTION III.

The collection and disposal of all garbage and household rubbish as defined herein shall begin January 1, 1983 and continue through December 31, 1984 and continue thereafter on a year to year basis under the terms and conditions of this Ordinance, unless specifically amended or repealed.

SECTION IV.

All persons occupying dwelling structures and residential dwelling units as herein defined, and defined in the Avalon Borough specifications, or the owners of the same in those instances where such owners are obliged to provide for such services, in accordance with the provisions of a lease with a tenant, or other applicable circumstances, within the Borough of Avalon, are hereby required to utilize and subscribe to the collection of all garbage and household rubbish as provided by the Avalon Borough collector and to pay for the same in accordance with the rates and charges as hereinafter set forth in this Ordinance.

SECTION V.

Garbage and all appropriate household rubbish must be placed in metal or plastic cans which shall be water tight, covered, and no larger in size than thirty-three (33) gallons. The collector shall return containers to the site of pick-up and replace all lids on containers when emptied. Garbage containers shall be permitted to remain at the curb line following the collection for a period not exceeding twelve hours.

SECTION VI.

Avalon Borough shall have the contractor collect, remove and dispose of all garbage, offal, dead animals and household rubbish as defined

herein, from all residential units within the Borough which may be designated by the Borough Council or its agent, once every seven (7) days. A maximum limit of five (5) cans of garbage per week, per unit, is placed upon all places serviced.

SECTION VII.

On scheduled days of collection by the collector, the collector shall visit the Administration Office prior to 5 p.m. to pick up reports on omissions in collections, or complaints. All such omissions, or complaints, shall be attended to the same day, if possible, or within twenty-four (24) hours after receipt of notice. All unit owners must make any complaints, or notice of omissions, to the Administrative Office prior to 5 p.m. on any work day.

SECTION VIII.

Each residential dwelling unit owner shall be charged the sum of \$36.00 per unit for the services rendered for the year 1983 and the sum of \$36.00 per unit for the year 1984 and a like and equal sum for each year thereafter, unless amended by Ordinance or repealed by Ordinance.

SECTION IX.

Payments for services herein shall be made to the Administration Office, Avalon Borough, 640 California Avenue, Allegheny County, Pennsylvania, 15202, by each residential dwelling unit owner as follows:

1. Any unit owner making a yearly payment on or before February 28th of the year to be serviced, shall receive a five (5%) percent discount.

2. If the full yearly service charge is not paid on or before February 28th, one-half ($\frac{1}{2}$) of the yearly service charge shall be due and payable on or before June 30th of the service year.

3. The balance of the yearly service charge for that given year shall be due and payable on or before December 31st.

4. All late payments under 2 and 3 above shall be subject to penalties as set forth in this Ordinance.

SECTION X. PENALTY.

a. Any person, firm or corporation or other entity who shall violate any of the provisions of Sections IV, V or VI of this Ordinance, upon conviction thereof in like proceedings as in summary convictions before a magistrate, is sentenced to pay a fine of \$500.00 and costs of prosecution. Each day that said violation shall occur, shall be considered as a separate offense and shall be punishable in like manner.

b. Any person, firm or corporation or other entity who shall violate any of the provisions of Sections VIII or IX of this Ordinance hereof shall, upon conviction therefore, in like proceedings as in summary conviction before a magistrate, be sentenced to pay a fine of \$25.00 and costs of prosecution for the first offense per unit and a fine of \$50.00 and costs of prosecution for every subsequent offense per unit.

c. Any person, firm, corporation or other entity charged with violating any provisions of this Ordinance hereof, may, within 48 hours after receiving a notice of violation, pay the fine directly to the Administration Office of the Borough of Avalon, in which event no formal proceedings shall be commenced. Collection for the violation of any provisions of this Ordinance shall be paid over to the Borough of Avalon Treasurer for the general use of the Borough.

SECTION XI. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held unconstitutional or unenforceable for any reason,

the validity of any of the remaining provisions of this Ordinance shall not be affected. It is hereby declared as the intention of the Council of the Borough of Avalon that this Ordinance would have been adopted, had such unconstitutional or otherwise unenforceable provisions not been included herein.

SECTION XII.

Any Ordinance, or part of Ordinance, conflicting with, or inconsistent with the terms of this Ordinance, are hereby repealed.

ORDAINED AND ENACTED into law by the Council of the Borough of Avalon this 19th day of January, 1983.

ATTEST:

BOROUGH OF AVALON

Reynolds E. Costello
Secretary

John A. Muehle
President, Borough Council

EXAMINED AND APPROVED BY ME THIS 20th DAY OF January, 1983.

Joseph F. Colan
MAYOR