

## Chapter 270

### SOLID WASTE

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

#### GENERAL REFERENCES

Nuisances — See Ch. 212.

Property maintenance — See Ch. 230.

#### ARTICLE I

##### **Garbage and Refuse Disposal; Dumping; Burning** [Ch. 1, §§ 91.1 to 91.3, of the 1977 compilation]

###### **§ 270-1. Dumping prohibited.**

It shall be unlawful for any person, firm or corporation, whether principal or agent, to dump or bury any garbage or refuse in any stream or public or private ground or any other place within the limits of said Borough at any time.

###### **§ 270-2. Burning prohibited.**

It shall be unlawful for any person, firm or corporation, whether principal or agent, to burn garbage in any public or private ground, including a furnace or open fireplace in any building, except as by smokeless incinerator, within the limits of said Borough.

###### **§ 270-3. Violations and penalties.** <sup>1</sup>

Any person, firm or corporation or agent of same violating any of the provisions of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

#### ARTICLE II

##### **Garbage and Refuse Collection** [Adopted 1-2-1979 by Ord. No. 90-1979]

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 270-4. Storage cans.**

From and after the date of passage of this article, it shall be the duty of the occupant or occupants of every dwelling house, storeroom, restaurant, or other building in the Borough of East Vandergrift to provide suitable and watertight cans provided with a lid (airtight as near as possible) of at least 10 gallons and not exceeding twenty-six-gallon capacity in which said occupant or occupants shall cause to be placed or deposited all garbage and refuse, animal and vegetable matter of the premises. Such can shall be kept at a place on the premises accessible to the person collecting the garbage and refuse matter.

**§ 270-5. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**GARBAGE** — Containerized materials, including the following: all refuse and animal and vegetable matter which has been used for food for man, and all refuse and animal and vegetable matter which was intended to be so used, and includes condemned foods. It shall include small household refuse placed in approved containers.

**HOUSEHOLD RUBBISH** — Includes the picking up from the curblin only of residential property household goods, household refuse, furniture, springs and mattresses, tin cans, bottles, crockery, broken glass, rags, grass clippings and other similar debris, hedge cuttings and shrubbery trimmings bundled, boxed or otherwise contained, paper, newspapers, magazines tied in bundles; trucks, incinerator refuse and ashes of all kinds and descriptions, wood not over 36 inches in length, all rubbish, trash, debris, waste, litter, scrap, packings, excelsior, straw, metal cooking utensils, toys, porcelain, carpeting, leather, rubber, shoes, clothing, cardboard, household appliances, tree trimming, trees and tree limbs under 36 inches in length, but excluding construction material resulting from alterations and construction of buildings and pavement, stone, sand, broken concrete and debris from commercial or industrial establishments, and automobile parts, except tires.

**§ 270-6. Method of collection.**

The Borough Council in its discretion may designate a garbage collector or it may by contract on a yearly basis awarded after competitive bidding provide for the collection of said garbage and/or household rubbish in accordance with specifications to be determined by it. It shall be the duty of the garbage collector to collect all garbage as above defined at least once each week from each residence and at least twice each week from each store, restaurant, or other business place, provided receptacles for the same are in accordance with the provisions of § 270-4 of this article. Rubbish collection shall be made as determined by Council. Any bidder must conform to any and all laws of the Commonwealth of Pennsylvania relating to the gathering and disposal of garbage, and shall take and carry on its employees and equipment workmen's compensation and public liability insurance.

**§ 270-7. Charges.** [Amended by Ord. No. 90.8-1980; 12-6-1989<sup>2</sup>]

To defray the cost of collection of garbage and refuse, including contract amounts or costs of equipment and salaries of employees, the Borough may charge each household and each place of

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

business a fee as set annually by resolution of the Borough Council. Each dwelling unit shall constitute a household, and each business location shall constitute a place of business.

- A. Refuse collection charges shall be due and payable to the Borough within 15 days after the date of each monthly bill. If any person fails to pay any refuse collection charge in full within 15 days after the date of each monthly bill, a penalty of \$1 shall be payable by such person to the Borough of East Vandergrift. In addition, if any person fails to pay any monthly refuse collection charge and any penalty within 30 days after the date of each monthly bill, the Borough shall have the right to terminate refuse collection and disposal services rendered to the property of that person for whatever period the Borough may, in its discretion, determine. After payment of all delinquent bills by the delinquent person, service may be restored.
- B. Charges imposed under this section shall be a lien on the properties served from the date the charge first becomes due and payable. In addition to all other rights of the Borough, if any such charges are not paid, the Borough may file municipal claims and collect the amount due in the manner provided by law for the filing and collection of municipal claims and liens, or may proceed to collect the delinquent charges by an action in assumpsit in the name of the Borough against the owner of the property charged.

**§ 270-8. Hopper; violations and penalties.** <sup>3</sup>

It shall be unlawful for any persons or person who are not residents of East Vandergrift to use the hopper, used for the collection of garbage, for the disposal of any garbage or other matter. Any person violating this section shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense.

**§ 270-9. Violations and penalties.** [Added 7-2-1979 by Ord. No. 90.7-1979<sup>4</sup>]

Any person or persons, firm or corporation violating any of the provisions of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).