

BILL NO.:

95-31

ORDINANCE NO.

96-3

AN ORDINANCE OF THE CITY OF JEANNETTE,
FOR THE COLLECTION AND REMOVAL OF MUNICIPAL WASTE AND
RECYCLABLES FROM PREMISES WITHIN THE CITY, PROVIDING FOR FEES
AND PROCEDURES THEREFOR, DELEGATING RESPONSIBILITY FOR
PAYMENT TO PROPERTY OWNERS, IMPOSING FINES AND PENALTIES
FOR NON-COMPLIANCE, AND REVOKING ORDINANCE 56-1
AND ITS AMENDMENTS, AND ALL ORDINANCES OR PARTS OF ORDINANCES
INCONSISTENT HEREWITH.

WHEREAS: Pursuant to 53 P.S. §37403 (6) the City is empowered to provide for the collection, removal and disposal of waste, and to impose and collect, by lien or otherwise, reasonable fees and charges therefore, and to prescribe fines and penalties for violation of Ordinances regulating such matters; and

WHEREAS: Reduction of the amount of solid waste and conservation of recyclable materials is a vital concern by reason of its environmental impact; and whereas recycling conserves valuable material resources and energy, reduces the overall amount of solid waste presently generated and thereby reduces storage, collection, transportation and disposal costs, and promotes greater efficiency in the regional economy and provides for local employment; and

WHEREAS: It is the intention of the City to provide a unified Ordinance for the collection of municipal waste and recyclables in a manner consistent with the legislative goals set forth in The Pennsylvania Solid Waste Management Act of 1980

(P.L. 380, No. 97, July 7, 1980) and the Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act (P.L. 556, No. 101, July 28, 1988); and

WHEREAS, the City has encountered the need to codify existing waste collection practices in order to provide uniform, fair and cost-effective service to its citizens and residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Jeannette, and it is hereby Ordained by the authority of the same, the following:

SECTION I. - DEFINITIONS:

"ACT 97", as used in this Ordinance, shall refer to the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980) (35 P.S. §6018.101 et seq.).

"ACT 101", as used in this Ordinance, shall refer to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (P.L. 556, No. 101, July 28, 1988) (53 P.S. §4000.101 et seq.).

"ASHES", as used in this Ordinance, shall be construed to mean the product of burned coal, wood, or other combustible materials.

"BULKY WASTE", as used in this Ordinance, shall be construed to include large items of solid waste, including, but not limited to, appliances and furniture, which may require special handling due to their size, shape or weight.

"COAL ASH", as used in this Ordinance shall mean fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term includes such materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation.

"CITY", as used in this Ordinance, shall mean the City of Jeannette, its agents, servants, employees, or any person acting on its behalf.

"COMMERCIAL ACCOUNTS", as used in this Ordinance, shall be construed to include businesses and office buildings of every description, stores, stands, markets, shopping centers, theaters, banks, boarding houses, hotels, restaurants, churches, schools, commission houses, and any place other than residential accounts, where garbage, rubbish, ashes, leaf waste, and recyclable materials are produced.

"COMMUNITY ACTIVITIES", as used in this Ordinance, shall mean events sponsored in whole or in part by the City, or conducted within the City and sponsored privately or by any other municipality, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more persons per day.

"CONTAINER", as used in this Ordinance, shall mean any type of container in which solid waste is held for storage, transportation, or disposal.

"CORRUGATED PAPER", as used in this Ordinance, shall mean a structured paper material with an inner core shaped in rigid parallel furrows and ridges.

"DEPARTMENT", or "DEP", as used in this Ordinance shall refer to the Pennsylvania Department of Environmental Protection.

"DISPOSAL", as used in this Ordinance, shall be construed to mean the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in such a manner that the solid waste enters the environment, is emitted into the air or is discharged into the waters of the Commonwealth of Pennsylvania.

"DRILL CUTTINGS", as used in this Ordinance, shall mean rock cuttings and related mineral residues created during the drilling of wells pursuant to the Act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act", provided such materials are disposed of at the well site and pursuant to §206 of the "Oil and Gas Act" (58 P.S. §601.206).

"DWELLING UNIT", as used in this Ordinance, shall mean a portion of a residential structure or complex which is wholly used or intended to be used, for permanent living quarters for a single family.

"GARBAGE", as used in this Ordinance, shall be construed to mean any solid waste derived from animal, 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", as used in this Ordinance, shall mean any garbage, refuse, sludge from an Industrial or other Waste Water Treatment Plant, sludge from a Water Supply Treatment Plant, or Air Pollution Control Facility and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 stat. 880, 33 U.S.C.A. §1342) or source, special nuclear or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 stat. 923, 42 U.S.C.A. §2014)), which because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "Hazardous Waste" shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act" (52 P.S. §30.51 et seq.). "Hazardous Waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is carried on pursuant to and in compliance with a valid permit issued pursuant to the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law" (35 P.S. §691.1 et seq.).

"HIGH GRADE OFFICE PAPER", as used in this Ordinance, shall mean bond, copier, letterhead, or mimeograph paper typically sold as "white ledger" paper, and computer paper.

"INDEPENDENT SOLID WASTE HAULER", for the purpose of this Ordinance, shall be construed to mean any person, firm or corporation, other than the City of Jeannette, that provides solid waste removal and/or disposal services.

"INDUSTRIAL ESTABLISHMENT", as used in this Ordinance, shall mean any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughter houses.

"INSTITUTIONAL ESTABLISHMENT", as used in this Ordinance, shall mean any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

"LEAF WASTE", as used in this Ordinance, shall be construed to include leaves, garden residues, shrubbery, tree trimmings and similar material, but not including grass clippings.

"MIXED USE ACCOUNTS", as used in this Ordinance, shall be construed to mean property used for both residential and commercial purposes.

"MULTI-FAMILY RESIDENTIAL STRUCTURE OR COMPLEX", as used in this Ordinance, shall mean any residential structure which is wholly used or intended to be used for permanent living quarters for more than two families and consisting of more than two individual dwelling units.

"MUNICIPAL WASTE", as used in this Ordinance, shall mean any garbage, rubbish, refuse, industrial lunch room or office waste and any other material including solid, liquid, semi-solid or contained gaseous materials 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 hereunder from a Municipal, Commercial or Institutional Water Supply Treatment Plant, Waste Water Treatment Plant, or Air Pollution Control Facility.

"PERSON", as used in this Ordinance, shall be construed to include an individual firm, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this Ordinance which prescribes 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.

"PULL", as used in this Ordinance, shall mean the removal of solid waste from a dumpster by the City of Jeannette.

"RECYCLABLES", as used in this Ordinance, shall be construed to include newsprint, cardboard, beverage cans, and clear glass, which is capable of being recycled.

"RECYCLABLE NEWSPRINT", shall mean newspapers which shall not have been exposed to foreign substances or conditions, rendering them unusable for recycling.

"RECYCLING", as used in this Ordinance, shall be construed to mean the collection, separation, recovery and sale or reuse of newsprint, cardboard, beverage cans, and clear glass, which materials would otherwise be disposed of as solid waste.

"RECYCLING FACILITY", as used in this Ordinance, shall be construed to mean a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable material that can be sold or reused by a

manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or land fills for solid waste nor composting facilities or resource recovery facilities.

"RESIDENTIAL ACCOUNTS", as used in this Ordinance shall be construed to include all dwelling units that are wholly used or intended to be used for living quarters, including, but not limited to, single family, two-family residential units and/or structures, and multi-family residential structures and/or complexes.

"RESIDENTIAL UNITS", within the meaning of this Ordinance, shall be construed to refer to any dwelling unit that is wholly used or intended to be used for living quarters for a single person or family.

"RESIDUAL WASTE", as used in this Ordinance, shall mean any garbage, rubbish, refuse or other discarded material or other waste including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an Industrial, Mining or Agricultural Water Supply Treatment Facility, Waste Water Treatment Facility or Air Pollution Control Facility, provided that it is not hazardous. The term "Residual Waste" shall not include coal refuse and defined in the "Coal Refuse Disposal Control Act". "Residual Waste" shall not include treatment

sludges from Coal Mine Drainage Treatment Plants, disposal of which is carried on pursuant to and in compliance with a valid permit issued pursuant to the "Clean Streams Law".

"RESOURCE RECOVERY FACILITY", as used in this Ordinance, shall be construed to mean a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

1. Any composting facility;
2. Methane gas extraction from a municipal waste landfill;
3. Any separation and collection center, drop off point or collection center for recycling, or any source separation or collection center for compost and leaf waste.
4. Any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day.

"RUBBISH", as used in this Ordinance, shall be construed to mean all non-putrescible, non-recyclable refuse, including, but not limited to, cans, paper boxes, wood boxes, cardboard boxes, glass, paper, crockery, and wood, but excluding leaf waste.

"SINGLE FAMILY RESIDENTIAL UNIT OR STRUCTURE", as used in this Ordinance, shall be construed to mean a building or structure which is wholly used or intended to be used for permanent living quarters for one family.

"SOLID WASTE", as used in this Ordinance, shall be construed to include any waste, including, but not limited to, garbage, rubbish, ashes, leaf waste, and bulky waste, as more particularly defined in Act 97 to include municipal, residual and hazardous wastes.

"STORAGE", as used in this Ordinance, should be construed to mean the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.

"TWO FAMILY RESIDENTIAL UNIT OR STRUCTURE", as used in this Ordinance, shall be construed to mean a building or structure which is wholly used or intended to be used for permanent living quarters for two families.

SECTION II. - UNAUTHORIZED ACCUMULATION AND DISPOSAL.

A. It shall be unlawful for any person, firm or corporation to permit accumulations of solid waste on any public or private property in the City of Jeannette except in accordance with this Ordinance and any Department rules and regulations adopted pursuant to Act 97 and Act 101.

B. It shall be unlawful for any person, firm or corporation to dispose of any solid waste or recyclables by placing the same on vacant lots or public property, or in the streets, alleys or in streams or other bodies of water, within the City of Jeannette.

C. It shall be unlawful for any person, firm, or corporation, to permit solid waste to remain on premises owned or occupied by them within the City for longer than one (1) week.

D. It shall be unlawful for any person to place any used lead acid battery in with 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 United States Environmental Protection Agency or a collector or recycling facility approved by the Department.

E. It shall be unlawful for any person, occupant or owner of any place, commercial or residential, where solid waste and/or recyclables are accumulated to dispose of the same at any point or place other than the City Garbage Disposal Site or in accordance with Sections III, IV, and V, and VI herein, except that:

1. Ashes may be employed for the purpose of making fills at appropriate places on the occupant's own property, or on written permit of the City Clerk, ashes may be deposited at places specified in the permit for making fills; and

2. Garbage may be incinerated in privately owned incinerators, provided, however, that:

(a) Any person who seeks to incinerate garbage in a privately-owned incinerator shall apply for an annual permit to do so with the Fire Chief of the City of Jeannette, pursuant to the terms set forth in the Fire Prevention Ordinance of the City of Jeannette (Ordinance 96-4).

3. Nothing in this Section shall amend, abridge or modify the terms of the Burning Ordinance of the City of Jeannette (Ordinance No. 92-3), or the Fire Prevention Ordinance of the City of Jeannette (Ordinance No. 96-4).

4. Nothing in this Ordinance shall amend, abridge, or modify the requirements of Act 97 or Act 101 and the rules and regulations promulgated thereunder.

F. It shall be unlawful for anyone other than the City of Jeannette, its agents, servants, or employees to collect, remove, or dispose of solid waste or recyclables within the City of Jeannette, except to the extent set forth herein and in the rules and regulations promulgated pursuant to Act 97 and Act 101.

G. This Ordinance is intended to provide for the disposal and collection of municipal waste, and is not intended to provide for any method of collection or disposal of hazardous or

residual waste, or coal ash or drill cuttings, as the same are defined herein and pursuant to Act 97. Disposal of such wastes shall occur in accordance with applicable State and Federal Law.

SECTION III - RESIDENTIAL COLLECTION:

A. FEES.

1. There is hereby let, levied and assessed on every residential account in the City, a monthly fee of TEN and 00/100 (\$10.00) DOLLARS per dwelling unit per month, in return for which such residential account shall be entitled to have all garbage, rubbish, ashes, leaf waste and recyclables removed from its premises at least once every week.

a. Exception: In the event that an individual dwelling unit is unoccupied for a period in excess of three months, the property owner may, upon application submitted to the City Treasurer and approved by the City Council, be exonerated from the fees set forth herein for each full month during which the unit remains unoccupied.

(i) An application for exoneration shall be available at the Office of the City Treasurer, during normal business hours (Monday through Friday, 8:00 A.M. to 4:00 P.M.).

B. MANDATORY USE OF CITY OF JEANNETTE GARBAGE BAGS FOR
GARBAGE AND RUBBISH.

1. All garbage and rubbish shall be placed for collection in blue plastic bags purchased from the City as follows:

a. The bags shall be available for purchase from the City during normal business hours, (8:00 A.M. to 4:00 P.M., Monday through Friday), in the City Treasurer's Office, and at any other time or place as the City may from time to time provide.

b. The cost of the bags shall be twenty-five (\$.25) cents per bag.

2. Except as otherwise provided for herein, no garbage or rubbish shall be placed for collection by any person, unless it is in garbage bags furnished by the City.

3. It shall be unlawful to place any garbage or rubbish for collection in any container except for the bags furnished by the City, provided however:

a. Upon placing garbage and rubbish in the bags, it shall be permissible to place the filled bags into heavy-duty plastic or metal containers not to exceed thirty-two (32) gallons;

b. EXCEPTION: Multi-family residential accounts and mixed-use accounts which utilize a dumpster shall comply with all requirements set forth in paragraphs IV. B(2)-(4) of this Ordinance, and

- (i) Shall be charged the commercial pull rates set forth in Schedule B of this Ordinance; and
- (ii) Shall be billed according to paragraph VII. B(2) of this Ordinance; and
- (iii) Shall make payment pursuant to paragraph VII. B(4) of this Ordinance; and
- (iv) Shall be exempt from the per unit rate set forth in paragraph III. A.1 of this Ordinance.

4. All liquids shall be drained from garbage prior to its placement into bags furnished by the City.

5. On the dates when collections are made, the owner or occupant of the premises shall place the plastic bags and/or containers holding filled plastic bags at:

- a. A point either on the premises, or in the sidewalk or alleyway immediately adjacent thereto, where it is readily accessible to collectors.

b. The exact point for collection shall be determined by the City and may change from time to time at the discretion of the City.

C. RECYCLABLES.

1. Recyclable newsprint, cardboard, recyclable cans and recyclable clear glass shall be kept separate from each other and from other solid waste, and shall be separately collected as hereinafter provided.

2. Recyclable newsprint and cardboard shall be prepared for collection by tying them, both across and lengthwise, into easy to manage bundles not to exceed twenty (20) pounds, or by placing them into paper bags with the same weight limitation. As so prepared, the bundles shall be placed for collection on the usual collection day for the property, on alternate weeks (pursuant to the schedule available at the Office of the City Treasurer), at a point either on the premises, or on the sidewalk or alleyway immediately adjacent thereto, where it is readily accessible to collectors, as may be determined by the City.

3. Recyclable cans and recyclable clear glass shall be separated from each other and prepared for collection by placing them in designated containers supplied by the City, and as so prepared, placing these containers at the usual collection point for the property on alternate weeks, as set forth in subparagraph C(2) herein, on the usual collection day for the property.

4. From the time of placement at the curb of any recyclable newsprint, cardboard and/or recyclable cans or recyclable clear glass, pursuant to the provisions of this Ordinance, such recyclables shall become the property of the city.

a. It shall be a violation of the terms of this Ordinance for any person, other than authorized personnel of the City, to collect, pick up or cause to be collected or picked up, any such recyclables which have been placed for collection as set forth herein.

b. Notwithstanding any provision of this Ordinance, any person having ownership of recyclable newsprint, cardboard, recyclable cans or recyclable clear glass may sell or donate the same to any person, partnership, corporation or other entity, whether operating for profit or not for profit, provided, however, that such materials may not be placed for collection at, nor collected from, the curb side.

5. An owner, landlord, or agent of owner or landlord of any multi-family rental housing property with four (4) or more dwelling units shall comply with its responsibilities under Act

97 and Act 101, and the regulations promulgated thereunder, by establishing a collection system for recyclable materials at each property.

a. The collection system shall include suitable containers for collecting and sorting recyclable materials, easily accessible locations for the containers, and written instructions to the occupants of the property concerning the use and availability of the collection system, and arrangements with a recycling facility or resource recovery facility for the transport and recycling of the materials collected from the property.

The City will not collect recyclables from the properties indicated in this subparagraph.

b. Owners, landlords, and agents or owners or landlords who comply with this subsection shall not be liable for the noncompliance of the occupants of their buildings with this subsection.

6. All commercial, municipal, and institutional establishments and all persons conducting community activities within City boundaries shall comply with their responsibilities under Act 97 and Act 101, and the regulations promulgated

thereunder, by separating high grade office paper, aluminum beverage cans, corrugated paper, and clear glass from each other and storing them separately until collection.

a. All such establishments and persons shall further establish a collection system for the aforementioned recyclable materials at each property, including suitable containers for collecting, sorting and storing recyclable materials, easily accessible locations for containers, written instructions to the occupants of the property concerning the use and availability of the collection system, and arrangements with a recycling facility or resource recovery facility for the transport and recycling of the materials collected from the property. The City will not collect recyclables from the establishments and persons indicated in this subparagraph.

b. The commercial, municipal, institutional or community waste generators shall annually provide written documentation to the City Treasurer of the total weight or volume of materials recycled pursuant to this subparagraph.

7. All recyclable materials collected by the City under this Ordinance shall be transported either by the City, or by a properly licensed and permitted recycling facility or resource recovery facility, to a properly licensed and permitted recycling facility or resource recovery facility, where the same shall be recycled, and

a. The City Treasurer shall keep accurate books and records indicating the total weight or volume of each type of recyclable material recycled annually.

b. The City Treasurer shall, on or before February 15, of each year, submit a report to the appropriate agency within Westmoreland County, describing the weight or volume of materials recycled by the City in the preceding calendar year.

D. LEAF WASTE.

1. Leaf waste shall be kept separate from other solid waste and recyclables, and shall be placed for collection in brown plastic bags as follows:

a. All such bags shall have attached thereto a leaf sticker purchased from the City. Said leaf stickers shall be available for purchase from the City during normal business hours (Mon. - Fri. 8:00

A.M. to 4:00 P.M.) in the City Treasurer's Office, at the rate of Fifty (\$.50) cents per sticker, and at such other times and places as Council may designate from time to time;

b. Leaf waste shall be placed for collection on the regularly scheduled pick-up day for the property at the regular pick-up location, as set forth in subsection III B. (5) herein.

2. From time to time the City may provide leaf collection service by way of a leaf vacuum truck, and may provide for the procedures to be followed for the collection of leaves by such a truck and schedules for the same.

3. Persons who have otherwise provided for the composting of leaf waste shall be exempt from the requirements or subparagraph III D. (1).

E. BULKY WASTE.

1. Any person residing in a residential unit within the City who wishes to have the City remove an appliance or other item of bulky waste, as specifically described in Schedule "A" attached hereto, shall be assessed a fee as set forth therein.

2. The fee assigned in Schedule "A" shall be paid in advance to the City Treasurer, and a collection sticker must be obtained from the City Treasurer and attached to the item in a clearly visible location prior to the time for collection of the item. Said sticker shall be available at the office of the City Treasurer during normal business hours (8:00 A.M. to 4:00 P.M., Monday through Friday). No item shall be collected unless it bears the aforesaid sticker.

3. All items of bulky waste which are to be removed by the City pursuant to this Section, shall be placed at the curb or at the normal pick up area where these are readily accessible to collectors, on the regular collection day for the premises.

a. Any person placing for collection any item of bulky waste that possesses a door or doors, including, but not limited to, a refrigerator, freezer, washer, dryer, dishwasher, stove or oven, shall remove the door or doors therefrom prior to placing the item for collection.

4. City employees shall not collect bulky waste items from inside an individual's residence.

5. Nothing in this Section shall be construed as relieving or modifying compliance by any person with any Environmental Protection Agency, Department of Environmental

Resources, Federal, State, County or other regulation or requirement regulating the disposal of any appliance, machine or equipment containing the element freon.

6. The City may, from time to time, designate a "Clean-Up Week" at which time any person residing in a residential unit within the City may be permitted to place an unlimited quantity of bulky waste items for removal by the City, provided, however, at such times:

a. The person must pay the required fees and attach the required stickers to the items, as set forth in the section;

(i) Except that one (1) bulky item per residential unit will be removed at no charge and said item shall be the item with the highest fee as designated by Schedule A herein, and a sticker shall not be required for the free item; and

(ii) Refrigerators, freezers, and any other item containing freon shall be excluded from the exception for items removed at no charge.

b. The items are placed for pickup as required by this section.

F. SENIOR CITIZEN DISCOUNT.

A. If a citizen is sixty-five (65) years of age or older, lives alone, and has gross annual receipts from all sources, including pensions, social security, rents or dividends, in an amount less than TWELVE THOUSAND EIGHT HUNDRED FIFTY and 00/100 (\$12,850.00) DOLLARS per year, then that person is entitled to a discount of thirty (30%) percent of the service fee imposed herein.

B. If two (2) citizens reside together and one (1) is sixty-five (65) or older, and they are both unemployed, and their gross annual receipts from all sources, including pensions, social security, dividends or other sources is less than FOURTEEN THOUSAND SEVEN HUNDRED and 00/100 (\$14,700,00) DOLLARS per year, then they shall be entitled to a discount of twenty (20%) percent of the service fee imposed herein.

C. In order to qualify for a senior citizen discount for the following year, the person seeking the discount must apply for the same at the Office of the City Clerk, and as part of the application process, provide proof of income for the most recent tax year. Such application and proof of income must be provided on an annual basis on or before the 30th day of November of each year, in order to continue qualifying for the discount in the following year.

D. The City Clerk shall provide the City Treasurer with a list of all persons qualifying for a discount under this section, on an annual basis.

SECTION IV. COMMERCIAL ACCOUNTS.

A. FEES:

1. Commercial accounts shall be charged for collection at the rates set forth in the Commercial Rate Schedule, attached hereto as Schedule "B". Said Commercial Rate Schedule has been prepared by reviewing all accounts and examining the type and volume of garbage and rubbish placed for collection, type of containers used, the amount of time involved in each pick up and the number of pick ups per week.

2. The aforementioned Commercial Rate Schedule may be amended from time to time, and all rates shall be determined and set by the City Council.

3. Whenever a commercial customer alleges that the method of operation of the business has been altered, thereby altering the type and volume of garbage and rubbish to be collected, the commercial customer may request the City Council to review its rate, and upon review, the City Council may, in its discretion, alter or amend the rate applied to the commercial account.

B. MANDATORY USE OF CITY OF JEANNETTE GARBAGE BAGS AND DUMPSTERS FOR GARBAGE AND RUBBISH:

1. Except as otherwise provided for herein, all commercial accounts shall utilize plastic bags purchased from the City in accordance with Section III B. 1. of this Ordinance.

2. An account may utilize a 2, 3, 6 or 8 yard dumpster, provided:

- a. The account applies for a permit with the City Clerk and pays a Twenty-five (\$25.00) Dollar per year permit fee;
- b. The dumpster passes inspection by the City Foreman, which inspection shall determine that the dumpster is capable of being safely pulled and emptied by the City garbage truck(s);
- c. Garbage, as defined in Section I. of this Ordinance, shall be placed in garbage bags, which bags are tied shut, prior to being placed in the dumpster, however, said bags do not have to be purchased from the City pursuant to Section III B.1 of this Ordinance;
- d. The dumpster shall be placed in a location on the property determined by the City Foreman to be accessible for pulling by the City, such that garbage and rubbish may be removed therefrom safely and in such a manner as to avoid injury to persons and damage to property.
- e. Accounts utilizing a dumpster pursuant to this subsection shall pay the pull rates set forth in Schedule B herein, payable to the City Treasurer on a monthly basis.

3. No garbage or rubbish shall be placed for collection by any commercial, mixed-use or multi-family residential account unless it is placed in garbage bags purchased from the City or a dumpster, except as otherwise provided herein.

4. Any commercial, industrial, multi-family residential, or mixed use establishment for which the City Foreman determines that the volume of solid waste exceeds that which can be contained in eight (8) yard dumpsters on a regular weekly basis, based upon the collection schedule for the individual account, or for which the City Foreman determines that the type and volume of solid waste produced by the account exceeds that which can be collected by the City due to limitations on City facilities, shall be required to apply for a permit to contract with an independent solid waste hauler for the use of an appropriately sized container or containers and for the collection of solid waste disposed of therein.

a. The application shall be submitted at the office of the City Clerk during normal business hours, and shall require the payment of a permit fee in the amount of TWENTY-FIVE and (\$25.00) DOLLARS, such fee payable to the City Treasurer contemporaneous with the issuance of the permit.

b. Before a permit shall issue as set forth in this subsection, the proposed container must pass inspection by the City Foreman, which inspection shall determine that the dumpster or container is capable of being safely pulled in a manner that will not cause substantial risk of injury to persons or damage to property.

c. Said permit shall be renewable on an annual basis upon the payment of TWENTY-FIVE and 00/100 (\$25.00) DOLLAR permit fee and upon passing annual inspection by the City Foreman.

d. The container shall be appropriate for the type of waste produced, pursuant to Act 97 and Act 101.

e. The placement of such dumpster(s) or container(s) shall not block any City street, alley or right-of-way, or occur in such a manner as to cause a substantial risk of injury to persons or damage to property; and placement may be determined by the City Foreman.

SECTION V. MIXED-USE ACCOUNTS.

A. FEES:

1. Any account related to the collection of garbage, rubbish and/or recyclables at property and/or structures, consisting of more than one unit, which is used for both residential and commercial purposes shall be charged for collection at the residential rate set forth in Section III. A. 1. herein for each residential unit, and at the commercial rate set forth in Schedule B herein for each commercial unit.

2. Whenever an account consists of a single unit which is being used for both residential and commercial purposes, it shall be charged the commercial collection rate set forth in Schedule "B" herein.

3. Whenever a mixed-use customer alleges that the use of the property has been altered, thereby altering the type and volume of garbage and rubbish to be collected, the mixed-use customer may request the City Council to review its rate, and upon review, the City may, in its discretion, alter or amend the rate applied to the mixed-use account.

B. ALL OTHER TERMS CONSISTENT.

1. All terms of this Ordinance pertaining to residential accounts shall apply to each residential unit of a mixed-use account, and all terms pertaining to commercial accounts in this Ordinance shall pertain to each commercial unit of a mixed-use account.

2. Whenever an account consists of a single unit which is being used for both residential and commercial purposes, it shall be treated as a commercial account for the purpose of enforcing the terms of this Ordinance.

VI. TEMPORARY LEASING OF DUMPSTERS.

1. Any account which requires temporary use of a dumpster may lease a dumpster from the City for a period not to exceed seven (7) days, according to the following rates:

- 3 yard dumpster.....\$ 50.00 per pull;
- 6 yard dumpster.....\$100.00 per pull;
- 8 yard dumpster.....\$125.00 per pull.

2. Where such temporary use is required, a dumpster of one of the above sizes shall not be rented, leased, purchased or borrowed from any person, firm, or corporation other than the City of Jeannette, except as provided in subparagraph 6 herein.

3. The delivery of the dumpster to the property and removal of the dumpster from the property shall be accomplished by the City, at no additional charge to the lessee of the dumpster.

4. All fees required by this subsection for the initial pull shall be paid in advance to the City Treasurer, prior to the delivery of a dumpster to the property.

5. The City will remove the dumpster from the property following the initial pull, unless the Lessee of the dumpster

notifies the City Treasurer that it requires the dumpster for additional time not to exceed seven (7) days, and pays for each additional pull in advance.

6. Exception. Any account which requires temporary use of a dumpster or container larger than an (8)-yard dumpster may contract with an independent solid waste hauler for the lease of such a dumpster/container and for the collection and solid waste disposed of therein, provided:

- (1) An application for such temporary use shall be submitted at the office of the City Clerk during normal business hours;
- (2) A permit fee in the amount of \$25.00 per week of intended use shall be paid to the City Treasurer contemporaneous with the issuance of the permit;
- (3) Before a permit shall issue as set forth in this subsection, the proposed dumpster/container must be approved by the City Foreman, who shall determine that the dumpster/container may be safely placed and pulled by the independent

solid waste hauler so as not to cause substantial risk of damage to property or injury to persons; and

(4) The placement of the dumpster(s)/container(s) shall be in such a manner as to avoid substantial risk of injury to persons and damage to property, and shall be determined by the City Foreman. In the event that it is necessary to place such dumpster(s) in a manner that will block any City street, alley, or right-of-way, the dumpster(s) shall be reasonably coned and roped off, and bear appropriate safety reflectors and warnings, as determined and directed by the City Foreman.

SECTION VII. LIABILITY OF OWNER.

A. RESPONSIBILITY FOR PAYMENT:

1. The owner of property which receives solid waste collection service shall be primarily responsible for payment of all fees required by this Ordinance, regardless of whether the collection service was requested by the property owner or a tenant of the property receiving said solid waste collection service.

~~REPEALED BY 98-3~~
AND RE-ADDED
w/ MODIFICATIONS

2. All commercial property owners who receive or are to receive solid waste collection service from the City of Jeannette, shall, upon passage of this Ordinance, execute a Letter of Obligation indicating their promise to be primarily responsible for the solid waste collection fee applicable herein.

a. The owners of commercial property receiving solid waste removal services from the City under a commercial or mixed-use account may delegate their primary obligation for payment of the fees set forth herein to a tenant of the property, provided the following prerequisites are satisfied:

- (i) The tenant enters into a written Letter of Obligation with the City of Jeannette for the payment of fees due under this Ordinance and said letter is signed by the tenant as primary obligor, and the property owner co-signs said letter of obligation, indicating that in the event of default of the tenant, the owner will remain primarily liable for the debt.
- (ii) The owner consents, in writing, to the filing of a Municipal Lien on the

property, in the face amount of ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS as security for the payment of the fees; and

(iii) The owner signs an acknowledgement which provides that in the event of default by the tenant, the owner is deemed to have knowledge of any amount of outstanding fees for enforcement purposes.

b. In the event either the property owner(s) or tenant(s), regardless of whether the account is residential, mixed-use or commercial, is delinquent in the payment of fees due and owing under this Ordinance, the City may, in addition to the penalties set forth in [Subsection VII (B) (4) and Section VIII] herein, proceed against either the owner or tenant, or both, in an action in assumpsit for the collection of the delinquent fees, and may file a Municipal Lien or claim against the real estate which benefits from collection service in the Court of Common Pleas of Westmoreland County, pursuant to 53 P.S. §37402 (6).

Now ADDED
~~XXXXX~~ AS
VII, A. 2.
AS AMENDED
By 98-3

4. All persons who own real property in the City of Jeannette shall notify the City Treasurer within thirty (30) days of the enactment of this Ordinance of the owner(s)' name and street address(es), the address(es) of the property/properties owned by them, and the name(s) and address(es) of all tenants occupying any real property owned by such person, firm or corporation.

5. All persons who own real property in the City of Jeannette shall notify the City Treasurer within thirty (30) days of the date that any tenant vacates the real property or that any new tenant occupies the real property within the City of Jeannette owned by such person, firm or corporation, and shall provide the City Treasurer with the name and street address of each such tenant vacating or newly occupying the property.

6. Whenever ownership of property within the City of Jeannette changes, it shall be the responsibility of the new owners, following the change of ownership, to notify the City Treasurer of their name(s) and address(es), within thirty (30) days of the change in ownership.

B. RECORD KEEPING AND BILLING.

1. The City Foreman shall supervise, direct and control the collection of solid waste and recyclables, and shall keep adequate books and records at City Hall with regard to all accounts.

a. Said records shall include the name and address of the owner of each property receiving solid waste collection service from the City together with the charges against the same.

b. A duplicate list of said names, addresses, and charges shall be supplied by the City Foreman to the City Treasurer.

2. All commercial and mixed-use accounts, and any other accounts utilizing a dumpster shall be billed to the property owner on a monthly basis.

3. All residential accounts shall be billed to the property owner on a semi-annual basis, unless the property utilizes a dumpster, in which case the property shall be billed and collected upon as if it were a commercial account.

4. All fees due and payable for residential accounts shall be paid within one hundred eighty (180) days from the invoice date, and all fees due and payable for commercial and mixed-use accounts, and for any other account utilizing a dumpster, shall be paid within thirty (30) days from the invoice date.

a. Persons paying residential bills within ninety (90) days from the date of the invoice shall be entitled to a two (2%) percent discount from the semi-annual bill.

b. Any residential account that is not paid within one hundred eighty (180) days from the date of the invoice shall have imposed thereon a penalty of ten (10%) percent per delinquent quarter.

c. Any commercial or mixed-use account, and any other account utilizing a dumpster, that is not paid within thirty (30) days from the date of the invoice shall have imposed thereon a penalty of ten (10%), per delinquent quarter.

d. Amnesty - Any account that is delinquent as of the effective date of this Ordinance shall be granted sixty (60) days from the effective of this Ordinance to pay the account in full without the imposition of the ten (10%) percent penalty set forth in subparagraphs 4(b) and (c) herein.

5. All fees due and payable to the City under this Ordinance shall be paid to the City Treasurer, or to such other person or persons as Council may, by Resolution, designate, who shall keep a record thereof, and deposit said sums into a general fund of the City of Jeannette. A duplicate of the record showing the sums received, and the discounts allowed, if any, shall be supplied to the City Clerk not less frequently than one (1) time each quarter.

a. If Council designates any person other than the City Treasurer to collect said fees, the fees so collected shall be turned over to the City Treasurer.

VIII. ADDITIONAL PENALTIES FOR NON-COMPLIANCE.

A. Any person who fails or refuses to comply with any provision of this Ordinance shall be guilty of a Summary Offense, and upon conviction thereof, shall pay a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more than ONE THOUSAND AND 00/100 (\$1,000.00) DOLLARS together with the costs of prosecution, and in default of such fine and costs, shall be imprisoned for a period of not less than thirty (30) days nor more than ninety (90) days, or both, in accordance with 53 P.S. §37403 (6) (60). Each day of violation shall constitute a separate and distinct offense, punishable as provided herein.

3RD CLASS
CITY
CODE
2403 (6)

B. The remedies contained in this Ordinance are cumulative in nature.

IX. AUTHORITY AND LEGISLATIVE INTENT.

This Ordinance is adopted pursuant to the provisions of Act 97 and Act 101, as well as pursuant to The Third Class City Code (53 P.S. §37403(6) and (60)) authorizing the City of Jeannette to provide for and regulate the collection, removal and disposal of garbage, ashes, recyclables and other waste, either by contract or municipal conduct of such services, and to impose and collect, by lien or otherwise, reasonable fees and charges therefore, and prescribe fines and penalties for the violation

of Ordinances regulating such matters, and pursuant to 53 P.S. §37406 (60), vesting in Cities of The Third Class the power to make and adopt all Ordinances not inconsistent with or restrained by the Constitution and laws of the Commonwealth as may be expedient or necessary for the proper management, care and control of the City and its finances, and the maintenance of the peace, good government, safety and welfare of the City, and it is declared to be essential for the control of nuisances and the regulation of public health and safety.

X. SEVERABILITY.

The provisions of this Ordinance shall be severable and, in the event that a Court of competent jurisdiction determines that any provision of this Ordinance shall be invalid or unenforceable the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend or abridge any of the rules and regulations promulgated under Act 97 and Act 101, or any other County, State or Federal law or regulation related to the disposal of solid waste.

XI. NOTICE.

1. The City shall, at least thirty (30) days prior to the effective date of this Ordinance, and at least once every six (6) months thereafter, notify all persons occupying residential, commercial, institutional and municipal premises within City boundaries of the requirements of this Ordinance.

2. A full and complete copy of this Ordinance shall be available for review at the office of the City Treasurer during normal business hours (Monday - Friday, 8:00 A.M. to 4:00 P.M.); and a copy of this Ordinance shall be available at the City Treasurer's Office for purchase for a copying fee of FIVE and 00/100 (\$5.00) DOLLARS.

3. The City shall also file, within thirty (30) days prior to the effective date of this Ordinance, a full and complete copy of this Ordinance at the Citizens Law Library of Westmoreland County, Westmoreland County Courthouse, Second Floor, Courthouse Annex, Main Street, Greensburg, Pennsylvania.

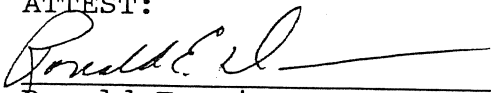
XII. REPEALER.

ORDINANCE 56-1 AND ITS AMENDMENTS, AND ALL OTHER CITY OF JEANNETTE ORDINANCES OR PART OF ORDINANCES INCONSISTENT HERewith, ARE HEREBY REPEALED.

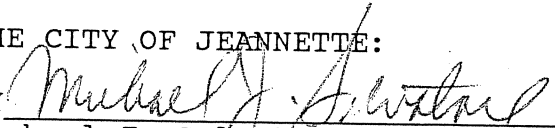
XIII. EFFECTIVE DATE: This Ordinance shall become effective in ten (10) days.

ORDAINED AND ENACTED by the Council of the City of Jeannette, at a meeting thereof, held the 11th day of September, 1996.

ATTEST:


Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

BY 
Michael J. Salvatore,
Mayor/President of Council

SCHEDULE "A"
PRICES CHARGED FOR REMOVAL OF BULKY WASTE

<u>ITEM:</u>	<u>PRICE</u>
Dishwasher (Door must be removed)	(\$10.00)
Double Mattress	(\$ 6.00)
Double Springs	(\$ 6.00)
Single Mattress	(\$ 3.00)
Single Springs	(\$ 3.00)
Bed Frame	(\$ 3.00)
Commode	(\$10.00)
Any Sink	(\$10.00)
Chairs (Dining, Kitchen, Rockers)	(\$ 2.00)
Double Dresser	(\$14.00)
Single Dresser	(\$ 7.00)
Child Swing Set (Must be broken up)	(\$ 6.00)
Dining Room Table	(\$ 6.00)
Rug (9x12 or larger)	(\$ 8.00)
Rug Padding (9x12 or larger)	(\$ 6.00)
Filing Cabinet	(\$ 7.00)

SCHEDULE "A"

PRICES CHARGED FOR REMOVAL OF BULKY WASTE CONTINUED

Freezer (Door must be removed)	(\$16.00)
Dryer (Door must be removed)	(\$10.00)
Refrigerator (Door must be removed)	(\$16.00)
TV Set (Over 13")	(\$ 6.00)
Portable TV Set	(\$ 3.00)
TV Stereo Combination	(\$10.00)
Upholstered Couch	(\$16.00)
Shopping Cart	(\$ 2.00)
Stove/Oven (Door must be removed)	(\$14.00)
Small Chest of Drawers	(\$ 7.00)
Push Lawn Mower	(\$ 4.00)
Occasional Table	(\$ 2.00)
Recliner Chair	(\$12.00)
Upholstered Chair	(\$12.00)
Umbrella Table	(\$ 2.00)
Large Chest of Drawers	(\$14.00)
Hot Water Tank	(\$ 7.00)
Washer	(\$10.00)
Glider	(\$ 6.00)

SCHEDULE "A"

PRICES CHARGED FOR REMOVAL OF BULKY WASTE CONTINUED

Microwave Oven (Door must be removed)	(\$ 3.00)
Window Air Conditioner	(\$10.00)
Furnace	(\$30.00)
Other	(\$ To be determined by the City Treasurer)

SCHEDULE "B"
RATES FOR COMMERCIAL ACCOUNTS

<u>QUANTITY</u>	<u>MONTHLY RATE</u>
Minimum = less than 5 bags per pickup	\$ 10.00
10 bags per pickup	\$ 15.00
15 bags per pickup	\$ 30.00
20 bags per pickup	\$ 40.00
25 bags per pickup	\$ 50.00

Rates for Accounts Utilizing Dumpsters:

2 Yard Dumpster	\$ 15.00 per pull
3 Yard Dumpster	\$ 19.00 per pull
6 Yard Dumpster	\$ 26.50 per pull
8 Yard Dumpster	\$ 35.00 per pull