

ORDINANCE NO. 834

AN ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG AMENDING CHAPTER 20, OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE" PART 1 ENTITLED "SOLID WASTE AND RECYCLABLES STORAGE, COLLECTION, DISPOSAL AND PROCESSING" TO CONTINUE THE REQUIREMENT THAT ALL MOTOR VEHICLES OR TRUCKS HAULING MUNICIPAL WASTE MUST BE EQUIPPED WITH A FIREPROOF AND LEAK PROOF COMPACTING COMPARTMENT; PERMIT DUMP TRUCKS TO BE USED TO COLLECT ONLY BULKY OVERSIZED WASTE OR RECYCLABLES; DELETE THE REQUIREMENT OF LICENSING OF HAULERS OF MUNICIPAL WASTE; CONTINUE TO REQUIRE ALL HAULERS OF MUNICIPAL WASTE TO CONFORM WITH CERTAIN STANDARDS AND REPORTING REQUIREMENTS; AUTHORIZE THE BLAIR COUNTY SOLID WASTE DEPARTMENT TO ENFORCE THE PROVISIONS OF THIS PART; AND PROVIDE AN EFFECTIVE DATE.

SECTION 1. AMENDMENT OF CHAPTER 20, PART 1.

Chapter 20, Part 1 entitled "Solid Waste and Recyclables Storage, Collection, Disposal and Processing Ordinance" is hereby amended as follows:

**Part 1
Solid Waste and Recyclables Storage,
Collection, Disposal and Processing**

A. Title, Purpose and Definitions.

§101. Title.

This Part shall be known as the "Solid Waste and Recyclables Storage, Collection, Disposal and Processing Ordinance." (Ord. 664, 12/27/1990, §101)

§102. Intent and Purpose.

1. It is the intent and purpose of this Part to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all residential, commercial, and industrial refuse accumulated or stored upon any property within the Borough shall be collected and removed by a responsible hauler and shall be disposed in an area authorized, approved and in accordance with all State, Federal and local laws and ordinances.

2. It is also the intent and purpose of this Part to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all material separated and stored for recycling at any residential, commercial, institutional or municipal establishment in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and local ordinances and regulations shall be collected and removed by a responsible hauler and shall be delivered to a recycling processing center approved by the Borough for processing and marketing in accordance with all State, Federal, and local laws and ordinances. [Ord. 723]

(Ord. 664, 12/27/1990, §102; as amended by Ord. 723, 12/15/1994, §1)

§103. Definitions.

For the purpose of interpreting the provisions of this Part, the following words shall have the meaning or meanings ascribed;

ASHES — residue from the burning of coal, coke, or other combustible material.

BULKY WASTE — municipal waste which is too large and/or heavy to be placed in standard 30 gallon garbage (municipal waste) bags and/or garbage (municipal waste) receptacles including, but not limited to, appliances, furniture and large auto parts. [Ord. 701]

CARTWAY — paved area of street, alley, road, avenue, etc.

CONSTRUCTION AND/OR DEMOLITION WASTE — solid waste (as defined in Act 101) resulting from the construction and/or demolition of buildings and other structures including, but not limited to, wood, plaster, metals, asphaltic substances, brick, block and unsegregated concrete. The term also includes dredging waste. For the purposes of this Part, the term “municipal waste” shall not include “construction and demolition waste” and regulation of collection including, but not limited to, licensing for collection of construction and demolition waste shall be the responsibility of the Blair County Solid Waste Authority. The term does not include the following, however, if the same are separate from other waste and are used as clean fill (e.g. material used to level uneven areas of real estate):

A. Uncontaminated: soil, rock, stone, gravel, unused bricks, blocks and/or concrete.

B. Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

[Ord. 701]

DISPOSAL — storage, collection, disposal, or handling of garbage, municipal waste, and other refuse material.

GARBAGE — putrescible animal, fish, fowl¹, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

HAULER — a person who collects, transports and disposes of municipal waste, recyclables (including leaf waste) from residential commercial and/or industrial establishments.

HAZARDOUS WASTE — any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contain gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities or any combination of the above; does not include solid or dissolved material and 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), or source, special nuclear, or by product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which, because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- B. 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. “Hazardous waste” shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Act of June 22, 1936, (P.L. 1987, No. 394) known as the “Clean Streams Law.”

MUNICIPALITY — the Borough of Hollidaysburg.

MUNICIPAL WASTE — any garbage, refuse, industrial lunchroom or office waste and other material, including liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities (including, but not limited to, festivals). The term does not include source separated recyclable materials.

NUISANCE — any condition, structure, or improvement which shall constitute a threat to the health, safety or welfare of the citizens of the Borough.

OCCUPANT — person generally in possession and control of any residential, commercial, institutional or industrial establishment.

PERSON — every natural person, association, firm or corporation. Person also includes a lessee as well as an owner of a residential establishment, and includes a person, association, firm or corporation which owns a residence or business.

RECYCLABLES — materials generated by a person which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclables include the following: newsprint, aluminum cans, bi-metallic cans, clear and/or colored glass, plastic beverage containers, high grade office paper, corrugated paper, leaf waste and such other materials as may be designated or deleted from time to time by resolution.

RECYCLING PROCESSING CENTER — a facility that receives, sorts, separates, prepares, and markets collected recyclables.

REFUSE — any material other than residual waste, municipal waste, hazardous waste and/or recyclables.

RESIDUAL — any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous material resulting from industrial, mining and agricultural operations and any sludge that is not otherwise hazardous from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, or recycling processing center, provided that it is not hazardous. The term "residual waste" shall not include coal refuse, as 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 being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law.

SPECIAL RECYCLABLES — recyclables other than those recyclables mandated herein to be collected at the curb side that are marketable as scrap, recyclable or reusable such as angle and cast iron, copper, etc. [Ord. 701]

WASTE DUMPSTERS and/or WASTE CONTAINER — any nonmotorized and/or nonpropelled receptacle designed to hold and/or receive municipal waste and/or other refuse material, capable of being lowered and lifted by motor vehicle or truck for the purpose of municipal waste and/or other refuse material collection. [Ord. 723]

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

Other words not defined herein shall have the meaning set forth in the Municipal Waste Planning, Recycling and Waste Reduction Act (Act101), the Collection and Recycling Waste Ordinance, Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.

(Ord. 664, 12/27/1990, §103; as amended by Ord. 701, 11/18/1993, §1; and by Ord. 723, 12/5/1994, §2)

B. Hauler Requirements.

§111. [Deleted].

§112. Collection of Recyclables Required.

Except as otherwise provided by this Part or any other ordinance or regulations of the Borough, any person desiring to collect municipal waste and/or other refuse material within the Borough shall also collect recyclables as set forth in Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough. (Ord. 664, 12/27/1990, § 112)

§113. [Deleted].

§114. [Deleted].

§115. [Deleted].

§116. [Deleted].

§117. Collection Vehicles; Specifications and Conditions.

1. Truck Specifications.

A. [Deleted].

B. No hauler shall operate, cause or permit to be operated any motor vehicle or truck for collecting or disposing of municipal waste and/or other refuse material within the limits of the Borough of Hollidaysburg unless such motor vehicle or truck shall be equipped with a fireproof and leak proof compacting compartment. Said compacting compartment, in addition to meeting any other specifications herein required, shall facilitate complete containment of solid waste and be equipped with operable drain plugs at the lowest point. Only bulky, oversized waste or recyclables may be collected on open bed vehicles and said items shall be secured and completely covered with a waterproof tarpaulin.

[Ord. 701]

2. No vehicle used in the collection, transportation or disposal of municipal waste, recyclables and/or other refuse material, shall scatter any of said material, leachate or vehicle fluids on the streets, roads, highways, alleys or other property (public or private) in the Borough of Hollidaysburg. [Ord. 701]

3. Vehicles used to collect or transport municipal waste, and/or other refuse material shall be maintained in a sanitary condition so as to present a satisfactory outward appearance and shall meet all the requirements of the Borough and the Pennsylvania Department of Environmental Resources.

4. The Borough shall have the right to inspect any vehicles used to collect or transport municipal waste, other refuse material or recyclables at reasonable time for the purpose of determining compliance with this Part or any other ordinance, resolution and/or regulations of the Borough. The hauler shall correct deficiencies immediately upon notification by the Borough, and said collection vehicle shall not be used for the purposes set forth in this Part until said deficiencies have been corrected.
5. Each hauler shall maintain its equipment in such condition as to be able to maintain the collection schedule.
6. Trucks and/or other vehicles used for the collecting transporting, disposing or removing any municipal waste, other refuse material, or recyclables in the Borough shall meet the following requirements.
 - A. Packers. All municipal waste, other refuse material, or any recyclables shall be enclosed within the confines of the cargo area, which shall be watertight.
 - B. Dump Trucks. If constructed with completely metal beds and lacking additional wood side boards, such truck shall be covered with a waterproof tarp. Dump trucks may be used to only collect bulky oversized waste or recyclables.
 - C. [Deleted].
 - D. [Deleted].
 - E. Any trucks or vehicles used for the collection and/or transporting of recyclable within the Borough shall conform to the requirements of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance, resolution or regulation of the Borough.
 - F. Any and all vehicles used for the collection of municipal waste, other refuse material and/or recyclables shall be clearly marked to identify the person who collects municipal waste, other refuse and/or recyclables pursuant to this or any other applicable Borough ordinance. The marking used by said person shall contain lettering no less than six inches in height. [Ord. 701]

(Ord. 664, 12/27/1990, §115; as amended by Ord. 674, 12/16/1991, §1(B); and by Ord. 701, 11/18/1993, §2)

§118. Waste Dumpsters and/or Waste Container; Specifications and Conditions.

1. Any waste dumpster and/or waste container(s) shall, in addition to being subject to the requirements of subpart B, § 131, subsection (5), be illuminated with a warning light, light reflector or a reflectorized material visible to oncoming vehicles for a distance of not less than 300 feet, between the hours of sunset and sun-rise.

2. Any waste dumpster and/or waste container shall be equipped with a cover so that when not in use, material will not blow from the container, nor will significant amounts of water accumulate in the waste dumpster and/or waste container so as to cause leakage.
3. Liquid leachate shall not leak from any waste dumpster and/or waste container onto any street, sidewalk or public right-of-way.
4. Only permitted, nonrecyclable municipal waste shall be placed in such containers, in compliance with all applicable ordinances and/or guidelines.
5. The name of the hauler responsible for the placement, emptying or removal of the waste dumpster and/or waste container must prominently be displayed thereon.
6. No person shall park or place any waste dumpster and/or waste container on any street, alley, highway, sidewalk or right-of-way within the Borough, under any circumstances, other than the conditions enumerated under subsection (7).
7. Subsection (6) of this §118 shall not be applicable to the temporary parking/placement of said waste dumpster and/or waste container upon proof of sufficient cause, to the Borough, at which time a permit will be issued for a temporary period of time determined as reasonable. The permit will not be valid unless the waste dumpster and/or waste container meets all specifications required by this Part. Additionally, at no time will a waste dumpster and/or waste container be placed onto any running lane of the roadway restricting the flow of traffic.
8. Upon official notification by the Borough of violation of this Part and/or other applicable ordinances and/or guidelines, the hauler responsible for the placement, emptying or removal of same or the owner of the same shall remove said waste dumpster and/or waste container in violation from the street, alley, highway or sidewalk within 24 hours. If the waste dumpster and/or waste container has not been removed, and the hauler responsible for the placement, emptying or removal of same or the owner of the same has not shown cause for a time extension the Borough may in its discretion move or cause to be moved, at the hauler or owner's expense, said equipment in violation, to a suitable facility where it may be reclaimed by the said hauler and/or owner upon payment of costs.
9. The waste dumpster and/or waste container permit fee under this Part shall be established from time to time by the Borough and shall be in addition to all other license fees or tax required to be paid by the laws of the Commonwealth of Pennsylvania, or the ordinance of the Borough.

(Ord. 664, 12/27/1990; as added by Ord. 723, 12/15/1994, §3)

C. Disposal and/or Processing of Recyclables.

§121. Authorization to Contract for Services.

1. The Borough and/or its designee may, from time to time, execute such contracts on terms and conditions as deemed advisable with not more than six persons to enable such person and/or persons to operate or cause to be operated a recycling processing center for the purpose of accepting recyclables collected within the Borough for processing and/or disposal. It shall be unlawful for any person or persons to engage in the business of operating or causing to operate a recycling processing center for the purpose of accepting recyclables collected within the Borough unless said person shall have secured a contract with the Borough to permit such business.
2. Nothing in this Part shall be construed as granting permission to any person and/or persons to operate a recycling processing center outside the corporate limits of the Borough. Each recycling processing center shall comply with all applicable requirements of the host municipality and/or the Commonwealth of Pennsylvania including, but not limited to, zoning and subdivision laws.
3. In the event that any hauler has a contract or agreement existing as of December, 1990, to deliver some but less than all, recyclables collected in the Borough to a nonapproved site for recovery, said hauler shall submit, prior to the acceptance by the approved recycling processing center of any recyclables, a copy of said contract or agreement to the approved recycling processing center, and in that event, the approved recycling processing center shall accept the remaining material delivered to it by said hauler, for an additional fee as may be set forth in the contract between the Borough and the approved recycling processing center. In this event, said approved recycling processing center shall, within five working days of receipt of said contract or agreement, provide the Borough a copy of said contract or agreement provided to said recycling processing center by the hauler.
4. Any breach of a contract by a person and/or persons executing the same with the Borough for the purposes of operation of a recycling processing center shall be considered a violation of this Part and shall subject said person and/or persons, in addition to contractual remedies, to the penalties provided herein.

(Ord. 664, 12/27/1990, §121; as amended by Ord. 723, 12/15/1994, §4)

D. Collection of Municipal Waste, Other Refuse Material and/or Recyclables.

§131. Point of Collection.

1. Municipal waste, other refuse or recyclables shall be placed at the edge of the cartway or any other designated place for collection no sooner than 6:00 p.m. on the day before the scheduled day for collection each week.

2. Each hauler pursuant to this Part shall collect all municipal waste, other refuse material and/or all recycles that have been placed at the side of the cartway or other designated location by its customers for collection, except as otherwise provided in this Part or any other ordinance, resolution or regulation of the Borough.
3. In the event a person is disabled, under the definition of the Americans with Disabilities Act of 1990, and said person, due to the disability, is unable to place municipal waste, refuse and/or recyclables, generated at said person's residence, at the curb side, and said person in any manner notifies the hauler of said person's disability, the hauler shall make reasonable accommodations with said disabled person as to a more accommodating place for placement and collection of the municipal waste, refuse and/or recyclables by the hauler. [Ord. 682]
4. If a person who is disabled pursuant to the immediately preceding subsection, requests said person's hauler to make reasonable accommodations as to a more accommodating place for placement and collection of municipal waste, refuse and/or recyclables, and said hauler refuses and/or the said person believes the accommodations made are not reasonable, said person, or said person's agent (hereinafter "complainant") shall notify the Manager of the Borough within 30 days of said accommodations, if believed to be unreasonable by the complainant, or within 30 days of a request by the complainant for reasonable accommodations if none have been made by the complainant's hauler. The Manager of the Borough, or the Manager's duly authorized agent, shall, within 15 days of said notice by the complainant, investigate the complaint, and if found to be valid, shall within 30 days of said complaint, notify the complainant's hauler, in writing, by certified mail, return receipt requested, of the deficiency, with a photocopy of said notice to the complainant, and indicate the corrective action to be taken within 10 days of receipt of said notice. Failure of said hauler to comply with the directives of the notice shall constitute a violation of this Part and may subject the said hauler to penalties. [Ord. 682]
5. Each hauler owning, leasing and/or otherwise placing or causing to be placed any container at any type of establishment for the purpose of placing municipal waste, other refuse material and/or recyclables therein for later collection, shall ensure that any such container is emptied within 48 hours of the same becoming full to capacity, regardless of whether the fee for collection of the same has been paid. Nothing herein shall prevent the hauler from removing said hauler owned or leased container from the establishment for nonpayment of collection services so long as the container is emptied, with regard to municipal waste, at a permitted landfill facility licensed by the Commonwealth of Pennsylvania and, with regard to recyclables, at a recycling center licensed by the Borough. [Ord. 701]

(Ord. 664, 12/27/1990, §131; as amended by Ord. 682, 10/8/1992, §1; and by Ord. 701, 11/18/1993, §4(A))

§132. Days and Hours of Operation.

1. Any hauler hereunder shall not be permitted to collect, remove and/or transport municipal waste, other refuse material or recyclables from residential establishments and/or multifamily establishments with four or more units on Sundays, Thanksgiving Day, New Year's Day and Christmas Day, and at other such times as may be announced by the Borough in situations considered to be emergency by the Borough. If regular collection occurs on any such holidays the Saturday preceding or following the holiday may be used for collection hereunder. Collection shall only occur between 6:00 a.m. and 6:00 p.m. on Memorial Day, Independence Day and Labor Day. Any time and date of collection may, at any time, be changed by resolution of the Council of the Borough. [Ord. 701]
2. The collection of municipal waste, other refuse material and/or recyclables at residential establishments and/or multifamily dwellings having more than four units per structure, shall only occur between the hours of 5:00 a.m. and 6:00 p.m. on any single day of collection and shall not occur at any other time, unless otherwise provided herein or by the Borough. In the event the Borough declares a weather emergency or like situation, collection of said waste and recyclables may continue to take place during the above-stated hours, however, said collection will be permitted to also take place between the hours of 3:00 a.m. and 6:00 p.m. the day following the termination of such weather emergency or like situation unless otherwise announced by the Borough. In the event the weather emergency or like situation is of a severe nature, as the same shall be announced by the Borough, no such collection shall take place during such time but shall be permitted to occur the day following the termination thereof between the hours of 3:00 a.m. and 6:00 p.m. unless otherwise instructed by the Borough. All declarations and/or announcements by the Borough with regard to weather emergencies or like situations may be accomplished through print, television, radio and any other such media deemed appropriate by the Borough. [Ord. 723]
3. Each hauler pursuant to this Part shall, for its own customers, collect and remove any Borough waste and/or refuse material placed for collection by occupants of residential establishments at least once each week, except for the collection of recyclables at residential establishments, which shall be collected as set forth in §132(5) of this Part.
4. Each hauler shall collect municipal waste or other refuse material from commercial establishments at least once every week, and shall collect said municipal waste and/or other refuse material more often if necessary to control health hazards, or to prevent the accumulation of waste or other refuse material so as to create a nuisance, odor, unsightly appearance, except for the collection of recyclables from commercial establishments which shall be collected as set forth in § 132(6) of this Part.
5. Recyclables shall be collected from residential establishments at least once every other week as set forth in Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.

6. Recyclables shall be collected from commercial establishments at least once every other week, and shall be collected more often if necessary to control health hazards, or to prevent the accumulation of recyclables so as to create a nuisance, odor, unsightly appearance, as set forth in Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.
7. All haulers, upon oral and/or written notification by persons who own and/or occupy residential establishments, shall, within 14 days of such notification, collect bulky waste and/or special recyclables from the residential establishment indicated in such notification.
8. Specific times and days of the week shall become effective as the same shall be established by the Borough and/or its approved agent as may be deemed appropriate giving due regard to the dates of collection established in other Intermunicipal Recycling Committee communities. [Ord. 701]

(Ord. 664, 12/27/1990, § 132; as amended by Ord. 701, 11/18/1993, §4(B), (C); by Res. 94-76, 10/20/1994; and by Ord. 723, 12/15/1994, §6)

§133. Preparation for Collection.

1. It shall be the duty of the owner of all residential establishments, rented or otherwise occupied by said owner and all establishments containing multifamily rental housing property with four or more units and commercial, municipal and institutional establishments to contract the services of a hauler to collect any municipal waste, other refuse material (on at least a weekly basis) and/or recyclables (on at least a once every two weeks basis) resulting from the operation of any such establishment unless said establishment, by some other means, disposes of the same at a duly approved municipal waste facility or a duly approved recycling processing facility, and all such establishments shall prepare said materials as follows: [Ord. 723]
 - A. All municipal waste and/or material shall be drained of liquid insofar as practical, and shall be placed in sanitary sealed bags, containers, and/or cans made of non-absorbent material.
 - B. Containers used by residential establishments shall not exceed 30 gallons in size; cans shall be [of] a rust-resistant material and shall be furnished and kept clean by the occupant and shall be replaced by the occupant when no longer in satisfactory condition.
 - C. All municipal waste which cannot be disposed of in containers shall be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise, while awaiting collection.
 - D. All refuse except bulky waste shall be of units such as can be handled by one person and shall be placed in containers or piled and assembled in such a way as to facilitate collection.

- E. All containers shall be kept on the residents property until it is placed for collection as in § 131 of this Part.
- F. All recyclables shall be prepared for collection as set forth in the Recycling Ordinance Guideline promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance, resolution or regulation of the Borough.
- G. Establishments containing multifamily rental housing property with four or more units and commercial, municipal and institutional establishments shall place all municipal waste emanating from said establishments in containers made from rust resistant material of sufficient size and strength to fully accommodate all such municipal waste and of such design to prevent animals from gaining access to such waste. Said containers kept at such establishments shall be kept clean and be replaced when needed by the occupants, owners, landlords and/or agents of such persons. [Ord. 674]
- H. Construction and/or demolition waste must be placed in a rigid container, roll off or solid waste vehicle, and may not be stored on the ground, next to structures (as the same may be defined in Borough Zoning Ordinance) and/or on public right-of-ways. A separate container must be provided for mandated recyclable materials (including, but not limited to, corrugated cardboard. [Ord. 701]

(Ord. 664, 12/27/1990, §133; as amended by Ord. 674, 12/16/1991, §1(D); by Ord. 701, 11/18/1993, §4(D),(E); and by Ord. 723, 12/15/1994, §1)

§134. Transfer of Municipal Waste.

No person shall transfer or permit the transfer of municipal waste and/or other refuse material from one collection vehicle to another collection vehicle in any area of the Borough except as follows:

- A. When said vehicles are parked at a transfer station; or
- B. When, due to terrain and/or weather conditions, the hauler's collection vehicle, due to its sign and/or tire traction, is unable to gain access to the area (e.g. a rural or extremely hilly area of the Borough) where the said waste is placed by the collection hauler's customer for collection. Only solid waste collected under these conditions may be so transferred from one collection vehicle to another collection vehicle.

(Ord. 664, 12/27/1990, § 134; as added by Ord. 674, 12/16/199 1, § 1(E))

§135. Inspection of Municipal Waste and Recyclables.

In order to insure compliance with all applicable Borough ordinances, the Borough, its agents (including, but not limited to, the Blair County Recycling Coordinator) and/or the Borough's employees, may conduct inspections of any and all municipal waste, other refuse material and/or recyclables placed at the point for collection for pickup and may inspect, at any time, any recycling processing center approved by the Borough. (Ord. 664, 12/27/1990, § 135; as added by Ord. 674, 12/16/1991, § 1(E))

§136. Monthly Reporting.

All haulers must, on a form provide by the Borough, report all persons for whom the hauler collects, whether residential, commercial, municipal and/or institutional establishments, that fail, during the monthly reporting period, at any and all times, to separate and prepare recyclables for collection as set forth in the Recycling Ordinance Guidelines and/or has the service discontinued for any reason. All haulers shall also submit the name and address of any and all new persons for whom the hauler has been requested to collect during the monthly reporting period. Said report shall be completed in its entirety by the said hauler and supplied to the Blair County Recycling Coordinator by the first day of each month. (Ord. 664, 12/27/1990, § 136; as added by Ord. 701, 11/18/1993, §4(F))

E. Miscellaneous.

§141. Insurance Coverage.

1. All haulers pursuant to this Part shall carry an insurance policy providing comprehensive liability and property damage insurance, the limits of said insurance policy shall be not less than \$300,000 for personal liability, and \$300,000 for property damage, and shall furnish proper certificate of insurance coverage to the Borough.
2. All haulers shall carry an insurance policy providing for Worker's Compensation insurance, as required by the Commonwealth of Pennsylvania, and shall furnish proper certificate of insurance coverage for Worker's Compensation to the Borough.

(Ord. 664, 12/27/1990, § 141)

§ 142. [Deleted].

§143. [Deleted].

§144. Accumulation of Garbage Prohibited.

It shall be unlawful to place or permit to remain any municipal waste or refuse material or other material subject to decay, including recyclables, except yard waste that is composted in an acceptable manner, anywhere in the Borough except in a tightly covered metal or plastic container. (Ord. 664, 12/27/1990, § 144)

§145. Independent Contractor Status.

All haulers shall not in any manner be construed as an agent, servant or employee of the Borough but shall at all times be considered and remain an independent contractor. Furthermore, any and all personal and/or real property owned, leased or controlled by any hauler shall at all times be considered and remain as the sole personal and/or real property of said person. (Ord. 664, 12/27/1990, § 145)

§146. Rules and Regulations.

The Borough is hereby authorized to promulgate rules and regulations and to issue forms as necessary to implement this Part. (Ord. 664, 12/27/1990, § 146)

§147. Offense.

1. Any person who operates, causes or permits to be operated a motor vehicle or truck in violation of this Part or who causes or permits the accumulation of municipal waste, other refuse material or recyclables in violation of this Part, or any person who violates any other provision of this Part, will be guilty of a criminal offense and upon conviction thereof by proceedings brought in the name of the Borough before any District Magistrate shall be sentenced to a fine of not less than \$100 and not more than \$1,000 together with the costs of prosecution and in default of payment to undergo imprisonment for not more than 30 days. Each separate day a violation exists shall constitute a separate offense. (Ord. 664, 12/27/1990, § 147)
2. Any police officer and/or other authorized agent and/or other person authorized by the Borough Council including the Blair County Solid Waste Department may enforce the Provisions of this Part.

§148. Repeal and Severability.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Should any part of this Ordinance be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent* the enforcement of the remainder of this Ordinance. It is hereby declared that such parts as are legal would have been enacted independently of the invalid portion and the invalidity of such part been known, and it is the intention of the Borough of Hollidaysburg that such remainder shall be and remain in full force and effect. (Ord. 663, 12/27/1990, §14)

§149. **Effective Date.** This Ordinance shall become effective upon enactment.

ORDAINED AND ENACTED as an Ordinance by the Council of the Borough of Hollidaysburg on this _____ day of December, 2008.

HOLLIDAYSBURG BOROUGH COUNCIL

ATTEST:

John P. Stultz, Jr.
Borough Council President

Ann M. Andrews,
Borough Secretary

APPROVED BY ME THIS _____ DAY OF DECEMBER, 2008.

Joseph P. Dodson, Mayor