

## **Chapter 20**

### **Solid Waste**

#### **Part 1 Solid Waste Collection**

- §20-101. Definitions
- §20-102. Regulations for the Storage of Refuse
- §20-103. Accumulation of Garbage or Refuse
- §20-104. Burning of Refuse
- §20-105. Disposal of Refuse
- §20-106. Refuse Containers
- §20-107. Multiple Dwellings
- §20-108. Owner Required to Remove Accumulation
- §20-109. Borough May Remove and Assess Costs
- §20-110. Penalties

#### **Part 2 Recycling**

- §20-201. Title
- §20-202. Definitions
- §20-203. Recycling Program
- §20-204. Lead Acid Batteries
- §20-205. Separation and Collection
- §20-206. Ownership of Recyclable Materials
- §20-207. Existing Recycling Operations
- §20-208. Recycling of Materials
- §20-209. Enforcement and Administration
- §20-210. Franchise or License
- §20-211. Modifications

#### **Part 3 Solid Waste Collection Fees**

- §20-301. Definitions
- §20-302. Garbage Collection Fee
- §20-303. Exemption from Garbage Collection Fee
- §20-304. Payment of Sanitation Fee
- §20-305. Exemption from Sanitation Fee
- §20-306. Application for Sanitation Fee Exemption
- §20-307. Duty of Property Owners and Residents
- §20-308. Collection Agent
- §20-309. Due Date
- §20-310. Violation
- §20-311. Penalties



**Part 1****Solid Waste Collection****§20-101. Definitions.**

*Brush* - leaves, clippings or cuttings from shrubbery, hedges and the like and branches or limbs from the trimmings of trees not exceeding 36 inches in length or 4 inches in diameter.

*Garbage* - all animal and vegetable waste resulting from the storage, handling, preparation and consumption of food, (including offal, carcasses, fat, bone, swill, eggshells, etc.). Also including all containers of food, medicine, beverages, and household supplies, whether of metal, glass, earthenware, wood, or paper. It does not mean ashes or waste paper, but does include garbage wrapped in paper.

*Lawn clippings* - cutting of grass, weeds, flowers and the like.

*Refuse* - garbage, rubbish, brush, lawn clippings and clean-up program materials as herein defined.

*Rubbish* - bundled newspapers, magazines, and wrappings; cardboard, or wooden boxes (no one dimension exceeding 36 inches and all materials normally associated with the use of a structure as a dwelling and discarded by the resident such as furniture, clothing, luggage, books, lumber, and sheet type building materials, (no one dimension exceeding 48 inches) radios, television sets, household appliances and equipment, cans or other containers of 5 gallon capacity or less and generally anything referred to as trash or debris but excluding ashes, brick, stone, concrete, plaster, rubber tires, or automotive parts and material of an inflammable or explosive nature.

*Minor rubbish* - magazines and wrappings; cardboard and wood boxes (no one dimension exceeding 36 inches); all materials normally associated with the use of a structure as a residential dwelling and discarded by the resident, such as clothing, luggage, books, lumber and sheet material (no one dimension exceeding 48 inches); radios, small appliances (no one dimension exceeding 24 inches); cans or other containers (5 gallon capacity or less); leaves and grass clippings, and generally anything referred to as trash or debris, but excluding ashes, brick, stone, concrete, plaster, rubber tires, refrigerators, automotive parts, paints, and materials of an inflammable or explosive nature. [Ord. 92-2]

*Major rubbish* - television sets, refrigerators and other major appliances (any one dimension exceeding 24 inches); empty appliance boxes, crates, household furniture, rugs and padding, empty appliance boxes, crates, household furniture, rugs and padding, trunks, and other similar items. [Ord. 92-2]

(Ord. 78-3, 6/14/1978, §1; as amended Ord. 92-2, 2/12/1992, §1)

**§20-102. Regulations for the Storage of Refuse.****1. Garbage.**

A. Every owner or tenant occupying any building or part thereof, and accumulating garbage shall drain and wrap it in paper and shall place the wrapped garbage in water-tight, rust-resistant metal containers or in plastic cans

with tight fitting lids, which shall not be removed except when necessary for filling, emptying or cleaning of said container. If lids do not fit tight enough to prevent spillage when can is turned over, a positive locking device is required. No garbage will be stored in plastic bags except when such bags are used as liners for required garbage cans.

B. No garbage can shall exceed 32 gallons in capacity, nor shall any can and contents weigh more than 75 pounds. Each resident may have no more than two cans for collection from a location selected by the resident.

C. Garbage cans must be located in the rear yard except when a front or side yard location is attractively screened from public view.

D. It will not be necessary for garbage to be placed at the curb or alley for pickup. Each resident is responsible for spillage which occurs before collection of his garbage.

2. *Rubbish*. Every owner or tenant occupying any building or part thereof, and accumulating rubbish shall provide for the storage of such rubbish between collections in containers of the type described in subsection .1 of this Section or properly boxed or bundled.

A. *Other Restrictions*.

(1) *Minor Rubbish Packaging*. Minor rubbish must be placed in boxes, plastic bags, rubbish cans, baskets or bundles. Grass clippings and leaves must be placed in bags, boxes or burlap bags. No bundles shall weigh more than 75 pounds. No metal or steel drums in excess of 32-gallon capacity shall be used as containers for rubbish.

(2) *Minor Rubbish Pickup*. Collection of properly packaged minor rubbish shall be on a weekly basis. Minor rubbish not properly packaged in accord with subsection (1) above will not be picked up. Residents will be responsible for proper packaging or removal of the offending items. Weekly pickup shall not exceed 10 bags, bundles or items per week per household.

(3) *Major Rubbish Pickup*. Collection of major rubbish will be limited to two items per household per weekly pickup. Major rubbish pickup will be limited to 200 pounds per week.

(4) *Special Pickup*. Residents wishing to have special collection of amounts of rubbish in excess of the limits established in this Part shall contact the Borough office in order to arrange for such special collection. This special collection will be arranged at the homeowner's expense.

(a) Charges for such special collection shall be in an amount as established from time to time by resolution of Borough Council. [Ord. 05-02]

3. *Brush and Lawn Clippings*. All persons who desire to have brush and lawn clippings collected by the Borough shall collect such brush and lawn clippings in suitable containers of a type that will not disintegrate in wet or rainy weather and whose total weight does not exceed 100 pounds.

(Ord. 78-3, 6/14/1978, §2; as amended by Ord. 92-2, 2/12/1992, §2; and by Ord. 05-02, 6/1/2005)

**§20-103. Accumulation of Garbage or Rubbish.**

The accumulation of garbage or rubbish for more than 10 days is prohibited.  
(*Ord. 78-3, 6/14/1978, §3*)

**§20-104. Burning of Refuse.**

It shall be unlawful for any person or persons to burn any type of refuse or any other material upon the streets, public places or private premises within the Borough.  
(*Ord. 78-3, 6/14/1978, §4*)

**§20-105. Disposal of Refuse.**

It shall be unlawful for any person or persons, firms or corporations, either as owner, agent, tenant or hauler to dispose of any type of refuse by throwing the same open, or placing the same upon, or so accumulating or storing the same as to cause it to fall or to be blown upon any street, alley, public place or private premises in the Borough or any gutter, drain or sewer.  
(*Ord. 78-3, 6/14/1978, §5*)

**§20-106. Refuse Containers.**

Refuse containers shall not be placed at the curb or other pick up location for collection prior to 6 p.m. prior to the day scheduled for collection and no later than 7 a.m. on the day of collection.  
(*Ord. 78-3, 6/14/1978, §6*)

**§20-107. Multiple Dwellings.**

1. In lieu of garbage cans for each dwelling unit, owners or agents of multiple-family dwellings must provide attractively screened areas, portable containers, or storage rooms in which garbage can be stored in a manner which does not attract rats or other animals or disease carrying insects, and which does not create an unpleasant odor.

A. Owners or agents of multiple-family dwellings shall follow the rules under §20-106, except when conditions do not permit, then owners or agents may provide bins or storage containers and have same removed from the Borough within 10 days by his own contractor.

2. *Regulation Applicable to Commercial Establishments and All Types of Business.*

A. Commercial establishments are not serviced by Borough sanitary collection.

B. Owners or operators shall follow the rules stated under §20-101 through §20-108. It is the duty of any or all owners or operators of all types of business or commercial establishments to have all refuse stored, collected and removed from the Borough within the period of 10 days at his own expense.

(*Ord. 78-3, 6/14/1978, §7*)

**§20-108. Owner Required to Remove Accumulations.**

An owner who is not in actual possession of premises in violation is hereby required to remove, or cause to be removed, the accumulations prohibited.

(*Ord. 78-3, 6/14/1978, §8*)

**§20-109. Borough May Remove .**

1. In the event any owner, lessee, or occupant, in violation of the provisions herein fails to remove or cause to be removed said accumulations, the Department of Public Works may remove said accumulations at the expense of said owner, lessee or occupant. Such expense, together with cost shall be recovered by the Borough of Swissvale, in addition to any other penalties provided by this Part.

2. No owner, lessee or occupant of any vacant lot, private court or yard shall permit the accumulation of any dirt, ashes, rubbish, tin cans, garbage, or other debris, thereon or any abutting sidewalks or pavements.

3. No owner, lessee or occupant of any building shall permit the accumulation of any dirt, ashes, rubbish, tin cans, garbage or other debris, on any sidewalks or thoroughfares abutting said building, or in yards or vacant ground forming part of the premises.

(*Ord. 78-3, 6/14/1978, §9*)

**§20-110. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 78-3, 6/14/1978, §10; as amended by Ord. 05-02, 6/1/2005*)

**Part 2****Recycling****§20-201. Title.**

The short title of this Part shall be the “Swissvale Borough Recycling Ordinance,” and the same may be cited in that manner.

(*Ord. 90-6, 9/12/1990, §1*)

**§20-202. Definitions.**

The following words and phrases used throughout this Part shall have the following meanings:

*Act 101* - the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

*Aluminum* - all empty aluminum beverage or food cans.

*Bi-metal containers* - empty food or beverage containers consisting of steel and aluminum.

*Collector* - the entity or entities authorized by the Borough of Swissvale to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments to collect recyclable materials from those properties.

*Commercial establishments* - those properties used primarily for commercial or industrial purposes, and those multiple-dwelling residential buildings containing more than four dwelling units.

*Community activities* - events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

*Corrugated paper* - structural paper material with an inner core shaped in rigid parallel furrows and ridges.

*Ferrous containers* - empty steel or tin coated food or beverage containers.

*Glass containers* - bottles and jars made of clear glass only. Expressly excluded from this definition are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

*High grade office paper* - all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences whether or not any printed or written matter is contained thereon excluding newsprint, magazines or the chemically coated paper or corrugated paper.

*Institutional establishments* - those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, churches, day care centers, schools and universities.

*Landlord* - the owner of residential property, or such owner's authorized agent.

*Lead acid batteries* - shall include but not be limited to automotive, truck, and

industrial batteries that contain lead.

*Leaf waste* - leaves from trees, bushes and other plants, garden residues, chipped shrubbery, tree trimmings and similar material capable of composting.

*Magazines* - printed matter, also known as "periodicals," containing miscellaneous written pieces published at a fixed or varying intervals, printed on glossy or chemically coated paper, excluding newspapers and all other paper products of any nature whatsoever.

*Multi-family housing properties* - any properties having four or more dwelling units per structure.

*Municipal establishment* - public facilities operated by the Borough of Swissvale and other governmental and quasi-governmental authorities.

*Municipal waste* - any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

*Municipality* - the Borough of Swissvale.

*Newspapers* - paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with newspapers.

*Person(s)* - owners, lessees, and occupants of residences and commercial, municipal and institutional establishments.

*Plastic containers* - empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Borough of Swissvale may stipulate specific types of plastic which may be recycled.

*Recyclable materials* - materials generated by residences and commercial, municipal and institutional establishments which are specified by the Borough of Swissvale and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Borough of Swissvale or specified in future revisions to Act 101. The recyclable materials selected by the Borough of Swissvale may be revised from time to time as deemed necessary by the Borough of Swissvale.

*Recycling* - the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and the creation

and recovery of reusable materials.

*Residences* - any occupied single or multi-family dwellings having up to four dwelling units per structure.

*Source separated recyclable materials* - those materials separated at the point of origin for the purpose of being recycled.

*Waste* - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection for beneficial use. [Ord. 05-02]

(Ord. 90-6, 9/12/1990, §2; as amended by Ord. 05-02, 6/1/2005)

### **§20-203. Recycling Program.**

1. The Borough of Swissvale hereby establishes a recycling program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the borough of Swissvale for which waste collection is provided by the Borough of Swissvale or any other collector. Collection of the recyclable materials shall be made at least once per month by the Borough of Swissvale, its designated agent, or any other solid waste collectors operating in the Borough of Swissvale and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The recycling program shall also contain a sustained public information and education program.

2. The Council of the Borough of Swissvale is empowered to adopt and also to make changes to program rules and regulations as necessary, as described in §20-210 of this Part. Initial adoption and any subsequent changes in the program rules and regulations may be made through approval of the Council of the Borough of Swissvale, by resolution, and such public notice and notification to affected parties as the Board of Directors shall deem appropriate. This Part is ordained pursuant to the Borough Code, 53 P.S. §45101 *et seq.*

(Ord. 90-6, 9/12/1990, §3)

### **§20-204. Lead Acid Batteries.**

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this Part.

(Ord. 90-6, 9/12/1990, §4)

### **§20-205. Separation and Collection.**

1. All persons who are residents of the Borough of Swissvale shall separate all of those recyclable materials designated by the Borough of Swissvale from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.

A. Persons in residences must separate recyclable materials from other

refuse. Recyclable materials shall be placed at the curbside in containers provided by the Borough of Swissvale for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Borough of Swissvale and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough of Swissvale shall be responsible for returning the allocated container(s) to the Borough of Swissvale or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this Part.

B. An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Part shall not be liable for non-compliance of occupants of their buildings.

C. If recyclable materials are collected by a collector other than the Borough of Swissvale or its authorized agent, then owners, landlords and agents of owners or landlords shall submit an annual report to the Borough of Swissvale reporting the tonnage of materials recycled during the previous year.

2. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

3. All persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Borough of Swissvale generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this subsection if that person submits documentation to the Borough of Swissvale annually indicating that the designated recyclable materials are being recycled in an appropriate manner.

4. If recyclable materials are collected by a collector other than the Borough of Swissvale or its authorized agent, occupants of said establishments shall submit an annual report to the Borough of Swissvale reporting the tonnage of materials recycled during the previous year.

*(Ord. 90-6, 9/12/1990, §5)*

#### **§20-206. Ownership of Recyclable Materials.**

All recyclable materials placed by persons for collection by the Borough of Swissvale or authorized collector pursuant to this Part shall, from time of placement at the curb, become the property of the Borough of Swissvale or the authorized collector, except as otherwise provided by §20-207 of the Part. Nothing in this Part shall be deemed to impair the ownership of separated recyclable materials by the generator of such materials unless and until such materials are placed at the curbside for collection.

(*Ord. 90-6, 9/12/1990, §6*)

**§20-207. Existing Recycling Operations.**

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial municipal or institutional establishment without prior written permission from the Council of the Borough of Swissvale or other entity responsible for authorizing collection of recyclable materials.

(*Ord. 90-6, 9/12/1990, §8*)

**§20-208. Recycling of Materials.**

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this Part. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have so notified in writing both the Borough of Swissvale and the Commonwealth's Department of Environmental Protection.

(*Ord. 90-6, 9/12/1990, §9; as amended by Ord. 05-02, 6/1/2005*)

**§20-209. Enforcement and Administration.**

1. The Council of the Borough of Swissvale is hereby authorized and directed to adopt by resolution reasonable rules and regulations for the operation and enforcement of this Part as deemed necessary, including, but not limited to:

- A. Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
- B. Establishing collection procedures for recyclable materials.
- C. Establishing reporting procedures for amounts of materials recycled.
- D. Establishing procedures for the distribution, monitoring and collection of recyclable containers.
- E. Establishing procedures and rules for the collection of leaf waste.

2. Any person, firm or corporation who shall violate the provisions of this Part shall receive an official written warning of non-compliance from the Borough of Swissvale or its officially designated agent for the first and second offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.

3. Except as here and otherwise provided, any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not less than \$25 nor more than \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [*Ord. 05-02*]

4. The Borough of Swissvale reserves the right not to collect municipal waste

containing recyclable materials in combination with non-recyclable materials.

(*Ord. 90-6, 9/12/1990, §10; as amended by Ord. 05-02, 6/1/2005*)

**§20-210. Franchise or License.**

The Borough of Swissvale may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

(*Ord. 90-6, 9/12/1990, §11*)

**§20-211. Modifications.**

The Borough of Swissvale may, from time to time, modify, add to or remove from the standards, rules and regulations its recycling program and as authorized in §20-209 of this Part.

(*Ord. 90-6, 9/12/1990, §13*)

**Part 3****Solid Waste Collection Fees****§20-301. Definitions.**

The following terms used in this Part shall be defined as follows:

*Borough* - the Borough of Swissvale, Allegheny County, Pennsylvania.

*Commercial building* - any building not intended for or not being used as a dwelling unit as that term is defined in the Chapter. [Ord. 94-3]

*Council* - the Council of the Borough of Swissvale.

*Dwelling unit* - a building, apartment, or portion of any building, including any apartment building, boarding home or condominium development, that is designed or used as the principal place of residence of one person or family and which contains a facility for cooking.

*Family* - one or more persons occupying a dwelling unit living as a single housekeeping unit.

*Person* - every natural person, firm, co-partnership, association, or corporation.

*Owner* - the owner of real estate of record by deed or document recorded in the Office of the Recorder of Deeds of Allegheny County.

(Ord. 87-2, 2/11/1987, §1; as amended by Ord. 94-3, 5/11/1994, §2)

**§20-302. Garbage Collection Fee.**

Fees for the collection of garbage, household rubbish, rubbish and debris shall be in such amounts and calculated in such manner as may be established from time to time by resolution of Borough Council.

(Ord. 87-2, 2/11/1987, §2; as amended by Ord. 90-11, 12/17/1990, §A.2; by Ord. 94-3, 5/11/1994, §3; by Ord. 02-05, 12/18/2002, §§A.2,B; and by Ord. 05-02, 6/1/2005)

**§20-303. Exemption from Garbage Collection Fee.**

1. An annual fee shall be applicable and due for each dwelling unit as defined in §20-301 of this Part, except in any multi-family residential building that was responsible for its own garbage and rubbish collection prior to January 1, 1987, shall continue to be exempt from this Part.

2. Any commercial building owner ("owner") who does not wish to have the Borough collect its garbage or rubbish from its commercial building under this Part shall be exempt from the other Sections of this Part provided the owner ("owner") submits a contract by January 1 of each year to the Borough Manager demonstrating that the owner has arranged for the garbage to be collected and disposed of by a qualified hauler as defined by the Municipal Waste Planning Recycling and Waste Reduction Act ("Municipal Waste Act") in a qualified disposal area as defined by the Municipal Waste Act provided that in so doing all health and sanitation regulations of the Borough are complied with and satisfied.

(Ord. 87-2, 2/11/1987, §3; as amended by Ord. 90-11, 12/17/1990, §A.3; by Ord. 94-3,

5/11/1994, §4; by *Ord. 02-05*, 12/18/2002, §A.3; by *Ord. 04-05*, 11/3/2004, §1; and by *Ord. 05-02*, 6/1/2005)

**§20-304. Payment of Sanitation Fee.**

The owner of each dwelling unit shall be responsible for payment of the sanitation fee required by this Part. The Borough or any designated agent of the Borough shall collect the unpaid or delinquent fees from any owner by any means permitted by Pennsylvania law. Any unpaid fees, penalties, interest or other charges due and owing under this Part shall become a lien against the real property of the property owner and shall be recovered through either *in rem* or *in personam* proceedings.

(*Ord. 87-2*, 2/11/1987, §4)

**§20-305. Exemption from Sanitation Fee.**

An owner may request an exemption from the sanitation fee for any unoccupied dwelling unit by filing an application for sanitation fee exemption with the Borough Secretary. The owner shall provide on or with the application information concerning the precise address and apartment number of any vacant property, along with such other information requested by the Borough. If granted, the period of the exemption shall be only for such time as the dwelling unit is exempt as unoccupied and later becomes occupied, the annual fee due for said residence or apartment shall be prorated on a monthly basis. In the event a fee is paid for a dwelling unit that later becomes unoccupied for a period of at least 30 days, the Borough shall refund a portion of the fee prorated on a monthly basis.

(*Ord. 87-2*, 2/11/1987, §5)

**§20-306. Application for Sanitation Fee Exemption.**

In order to obtain an exemption in any year except 1987, an owner must file the Application for Sanitation Fee Exemption with the Borough Secretary by January 15 of each year, unless the dwelling unit becomes unoccupied after the annual fee is paid for that residence or apartment. In 1987, applications must be filed on or before April 15, 1987.

(*Ord. 87-2*, 2/11/1987, §6)

**§20-307. Duty of Property Owners and Residents.**

It shall be the duty of every property owner and resident to cooperate in the administration of this Part in order that the collection and removal of garbage, household rubbish, and debris and the collection of the charges imposed therefor shall be economically and efficiently performed. It is the duty of any property owner or person residing or occupying property within the Borough to answer inquiries by the proper agents of the Borough pertaining to facts relating to administration of this Part. Willful concealment, failure to supply facts, or misrepresentation of facts pertinent to the violators will be subject to summary prosecution as hereinafter provided.

(*Ord. 87-2*, 2/11/1987, §7)

**§20-308. Collection Agent.**

Council may, by resolution or motion, designate an agent to collect the sanitation fee, and any interest, penalties or other damages required by this Part. Said resolution or motion shall also set the amount of payment to be received by the agent for these collection services.

*(Ord. 87-2, 2/11/1987, §8)*

**§20-309. Due Date.**

All fees due herein shall be due and payable on or before February 15 of each year except as set forth herein above with respect to 1987 in §20-302 of this Part. Mailing of a bill by the Borough or its designated agent for this fee shall be conclusive proof that demand was made for the amount set forth in the collector's records on the date of the mailing. All sums claimed in said notice by the collector shall be delinquent if not paid within 30 days following the due date established by this Part. Commencing on the thirty-first day, there shall be due a penalty of 10%, an attorney's fee of 5% and simple interest calculated from that day forward in the amount of 2% per month, for each month or fraction of a month in which charges required by this Part remain unpaid. The Borough or its designated agent may properly demand payment of said fees by regular mail, postage pre-paid.

*(Ord. 87-2, 2/11/1987, §9)*

**§20-310. Violation.**

Any person who willfully fails to pay any charge due under this Part, or who willfully conceals or fails to disclose or misrepresents facts pertinent to the administration and enforcement hereof, shall, by such conduct, violate the provisions of this Part.

*(Ord. 87-2, 2/11/1987, §12)*

**§20-311. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 87-2, 2/11/1987, §13; as amended by Ord. 05-02, 6/1/2005)*

