

ORDINANCE NO. 2851

**BOROUGH OF WILKINSBURG
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF WILKINSBURG,
COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA,
AMENDING SECTIONS OF SOLID WASTE ORDINANCE NUMBERS 2409,
2424 AND 2510, FOR PURPOSES OF ADDING AND AMENDING
DEFINITIONS, ESTABLISHING STANDARDS AND REGULATIONS FOR
PRIVATE COLLECTION OF WASTE FROM PROPERTIES OF 6 OR MORE
UNITS, ESTABLISHING ADMINISTRATIVE FEE AND PENALTIES.**

WHEREAS the Council of the Borough of Wilkinsburg has determined that the cost to the Borough to provide for the collection of solid waste for properties with six or more residential units through a contracted waste hauler exceeds the municipal services fees collected; and

WHEREAS, the taxpayers of the Borough of Wilkinsburg bear the burden of the extra cost; and

WHEREAS, Borough Council intends by the adoption of the within Ordinance to place the responsibility for the collection of waste from apartment buildings on the property owners in order to remedy this problem.

NOW THEREFORE be it **ORDAINED** and **ENACTED** by the Borough of Wilkinsburg, in Council assembled, and it is hereby **ORDAINED** and **ENACTED** by the authority of same as follows:

SECTION 1. Article II, §222-14, Definitions, of the Wilkinsburg Borough Code shall be amended as follows:

A. Amend the definition of Commercial Establishment by adding the following:

COMMERCIAL ESTABLISHMENT -- A commercial building that includes residential dwelling units shall be deemed a commercial establishment for purposes of this ordinance.

B. Add a definition of Residential Establishment as follows:

RESIDENTIAL ESTABLISHMENT -- A building or buildings, or portions thereof, designated as a home or residence for one or more persons, as further defined below:

Dwelling Unit -- A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Condominiums and cooperatives are considered dwelling units.

Single-family -- A detached building designed for, or occupied exclusively as, a residence by one family and containing not more than one dwelling unit.

Multi-family -- A building or buildings on one lot containing separate living quarters designed for occupancy by two to five families living independently of each other, and containing two to five dwelling units.

Apartment building -- A building or buildings on one lot containing separate living quarters designed for occupancy by six or more families living independently of each other, and containing six or more dwelling units.

C. Replace the definition of Hauler to read as follows:

HAULER OR PRIVATE COLLECTOR -- Any person, firm, copartnership, association or corporation who has been approved and licensed by the Commonwealth of Pennsylvania to collect, transport and dispose of refuse.

SECTION 2. Article II, §222-17 of the Wilkinsburg Borough Code shall be deleted in its entirety and replaced with the following:

A. The borough shall provide for the collection of all approved garbage, rubbish and bulky wastes from single-family and multi-family residential establishments.

B. All single-family and multi-family residential establishments shall utilize the residential collection service provided by the borough or its designated representative.

C. All apartment buildings, commercial, institutional and industrial establishments shall negotiate and individually contract collection service with a private properly licensed waste hauler of their choice.

Condominiums or cooperatives may contract collectively with a single waste hauler through their respective associations or, if no such arrangement is made, individual unit owners are responsible for negotiating separately for waste collection services.

D. All apartment buildings, condominium/cooperative associations or individual condominium/cooperative owners shall provide the borough with verification of a valid contract for refuse collection by an approved hauler no later than December 1 of each year.

E. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes from single-family and multi-family residential establishments shall be

collected following prior arrangement with the borough's waste collector and payment of any required special fees. Bulky wastes from apartment buildings shall be collected following prior arrangement with the property owner's waste collector.

F. All commercial, institutional and industrial waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The borough reserves the right to require more frequent collection when deemed necessary.

G. All solid wastes must be contained in approved municipal waste containers fitted with secure lids. Any material overflowing from the containers constitutes a violation of this ordinance and other ordinances and subjects the property owner to enforcement action and penalty. No municipal service fee discount that may otherwise be available to eligible apartment buildings will be afforded property owners in violation of this ordinance.

H. Property owners must furnish approved municipal waste containers to tenants and replace containers as necessary.

I. All approved haulers shall comply with all applicable local, county, state and federal standards and regulations for the collection and transportation of municipal waste, including but not limited to the following:

(1) All municipal wastes collected within the borough shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan, 1990, as amended.

(2) Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97 and its regulations, as amended, and must be licensed by the appropriate governmental agencies.

(3) All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

(4) Collection vehicles for rubbish and other non-putrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

(5) All solid waste shall be collected and transported so as to prevent public health hazards and nuisances.

(6) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

SECTION 3. Article II, §222-18 of the Wilkinsburg Borough Code shall be deleted in its entirety and replaced with the following:

A. The borough shall be authorized to make funds available, in accordance with the laws and procedures of the borough, for the establishment, maintenance and operation of a municipal solid waste collection and disposal system for single-family and multi-family residential establishments and for borough properties; or for the contracting of such services to a private hauler or another municipal entity.

B. The borough shall be responsible for the collection of any fees for solid waste collection and disposal from single-family and multi-family residential establishments. Approved private haulers shall be responsible for the collection of any collection and disposal fees from apartment buildings, commercial, institutional and industrial customers.

C. The borough shall be authorized to contract with a private hauler or another municipal entity for the collection of solid waste from apartment buildings in the event the property owners fail to provide for waste collection services to those properties, and to assess the property owner an administrative fee of \$500 per occurrence plus actual costs of collection in addition to other penalties that may be imposed for violation of this ordinance.

SECTION 4. Article II, §222-20 of the Wilkinsburg Borough Code shall be deleted in its entirety and replaced with the following:

It is the borough's intention to place responsibility for compliance with this ordinance on property owners. In the event that property owners of apartment buildings fail to provide for the collection of waste as required under this ordinance, the borough will post a notice of non-compliance at the building location.

SECTION 5. Any ordinance or part of any ordinance in conflict herewith is hereby repealed to the extent of such conflict. If any provision of this ordinance is held to be illegal, unenforceable or unconstitutional, then the remaining provisions of this ordinance shall remain in full force and effect.

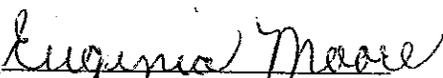
ORDAINED AND ENACTED by the Council of the Borough of Wilkinsburg, County of Allegheny and Commonwealth of Pennsylvania, meeting in regular and public session, this 20th day of October, 2010.

ATTEST:

BOROUGH OF WILKINSBURG

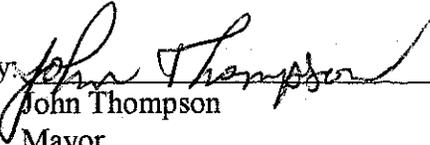


Marla Marcinko
Borough Manager

By: 

Eugenia Moore
Council President

EXAMINED AND APPROVED by me this 20th day of October, 2010.

By 
John Thompson
Mayor