

**PERKASIE BOROUGH
ORDINANCE NO. 997**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE,
BUCKS COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 96 OF THE PERKASIE BOROUGH
CODE OF ORDINANCES REGARDING REFUSE COLLECTION
TO ALLOW FOR THE USE OF TRASH TOTERS**

WHEREAS, the Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, Borough Council has met and will meet the procedural requirements for the adoption of the proposed ordinance; and,

WHEREAS, Borough Council has surveyed the residents of the Borough and has found that it is in the public interest, health, safety, and general welfare of the Borough to provide for a trash toter system similar to those provided by private refuse haulers and in other municipalities.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Chapter 96 of the Perkasia Borough Code of Ordinances is hereby amended as follows:

- A. § 96-3 is amended to revise the definition of “Disposal Bag or Borough Disposal Bag” as follows, and is hereby deleted in its entirety and replaced with: “Any plastic bag distributed by the Borough, or its authorized distributors, which shall bear an identification mark established by the Borough. Other than a Borough provided Wheeled Cart, this shall be the only permitted method of disposal for residents’ rubbish and garbage.”
- B. § 96-3 is amended to add “Wheeled Cart” as a defined term which shall be defined as follows: “A light, two-wheeled, trash toter container provided by the Borough to the

customer, and of a size approved by the Borough Council for use by the customers who elect the service and pay a quarterly fee in advance of the of the service being provided. The cart will have the compatibility to be lifted by the Borough's trash trucks. A fee for wheeled cart disposal shall be established from time to time by the Borough Council in the Borough Fee Schedule, to be paid quarterly in advance of service. Other than a Borough disposal bag, this shall be the only permitted method of disposal for residents' rubbish and garbage"

C. § 96-9.A.2. is amended to add "Wheeled Cart" as follows, and this section is hereby deleted in its entirety and replaced with the following: "For disposal of rubbish and garbage, Borough residents will be required to purchase either (i) Borough disposal bags, and/or (ii) pay for a Wheeled Cart, at the respective fees set froth from time to time by resolution of the Borough Council, and to place all household rubbish and garbage for collection in those bags and/or a Wheeled Cart. The Borough will only collect household rubbish and garbage contained in either the Borough disposal bags and/or Wheeled Cart. Borough disposal bags shall not be filled to a weight greater than forty (40) pounds, and shall be securely tied or sealed at the time of collection. Wheeled carts shall not be filled in any manner that does not allow the lid to rest in the fully closed position, and in no event shall be filled to weigh more than one-hundred-fifty (150) pounds."

D. § 96-9.C. is amended to as follows:

- a. Subsection (2) is deleted and replaced with "All rubbish shall be drained of liquids before depositing in temporary storage containers, Wheeled Carts, and/or Borough disposal bags."

- b. Add subsection (3) which shall provide “Household rubbish may be temporarily stored in Wheeled Carts as authorized by § 96-9.A. Wheeled Carts shall be kept free of residual liquids and solids by periodic cleaning.
- E. § 96-11.1.A. is amended to add an additional sentence to the end of this subsection stating “The annual refuse fee shall apply no matter what method of refuse, trash, or rubbish removal is used, without exception.”
- F. § 96-15.B. is hereby amended as follows, with the first sentence of this paragraph being deleted and replaced in its entirety with the following: “It shall be unlawful to place any material for the municipal collection service in unauthorized or defective (i) Wheeled Carts; or (ii) damaged Borough disposal bags, torn bags, or (iii) bundles not securely tied.” The remainder of this paragraph shall remain the same.
- G. § 96-15.C. is hereby amended by deleting it entirely and replacement with the following: “Except when specifically authorized by the Borough, Wheeled Carts and/or Borough disposal bags shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley and readily accessible to and not more than 10-feet from the side of the street or alley from which the collection is made. A Wheeled Cart must be placed so that the arrow on the lid is pointed toward the street.”
- H. § 96-15.J. is hereby added as follows: “In addition to the preceding requirements of this part, the following shall apply to all households using Wheeled Carts: (i) the only Wheeled Cart permitted for use is that provided by the Borough; (ii) the Borough retains ownership of the Wheeled Cart and it shall be returned to the Borough prior to the sale of a resident’s home or the resident opting to return to the Borough disposal bag method of refuse collection; (iii) residents are responsible for the cost of replacement of a Wheeled Cart damaged by wear-and-tear and/or by customer; (iv) Borough has the

right to stop service immediately and collect the Wheeled Cart from the resident in the event of non-payment of quarterly fees; (v) notice of non-payment shall be provided in writing by the Borough, and termination of service and collection of the Wheeled Cart may occur five (5) days after mailing of the notice of non-payment; (vi) residents may get multiple Wheeled Carts at one address, and will be billed quarterly for the number of Wheeled Carts at the address, regardless of how many carts are placed a the curb in any given week; (vii) Wheeled carts shall be placed a minimum of 2-feet from any parked car and/or vehicle; (viii) in the event a resident has more trash than can fit in a Wheeled Cart, the resident must purchase Borough disposal bags to dispose of the additional trash; (ix) residents shall be responsible for the cleanliness of the Wheeled Cart and shall periodically clean the Wheeled Cart with soap and water as necessary; (x) residents may not alter the exterior appearance of a Wheeled Cart in any manner except to affix temporary stick-on numbers to reflect the resident's street number address only which shall be removed by the resident upon returning the Wheeled Cart to the Borough; (xi) residents shall not make any holes in or any other alteration to the Wheeled Cart; (xii) no refunds shall be issued for partial periods of service; and (xiii) all other pertinent sections of Chapter 96 shall apply.

SECTION 2. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION 3. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction,

such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.


SECTION 6. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 7. Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio this.

Approved by the Borough Council of the Borough of Perkasio, this ^{1st} day of August, 2016.

Attest:

BOROUGH OF PERKASIE



Andrea L. Coaxum, Secretary



James Ryder, Council President

Examined and approved this ^{1st} day of August, 2016.



John Hollenbach, Mayor