

Chapter 96

SOLID WASTE

[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Refuse Collection

[Adopted 10-6-1969 by Ord. No. 93]

§ 96-1. Accumulation prohibited.

The unreasonable accumulation of garbage, rubbish and refuse on any property in the Borough of Seven Valleys is forbidden.

§ 96-2. Collection contract.

The Borough Council shall have the authority to provide for the collection of garbage, rubbish and refuse by entering into a contract for such collection at a contract price to be established by the Borough Council pursuant to an appropriate resolution.

§ 96-3. Fees. [Amended 11-6-1972 by Ord. No. 1972-3; 4-3-2000 by Ord. No. 2000-1; 11-7-2011 by Ord. No. 2011-1]

A contractor approved by the Borough Council shall collect, remove and dispose of refuse from qualified properties in accordance with a duly approved contract. Contractor shall mail or deliver a bill to all the owners of the qualified property as set forth in the contract in accordance with the per-customer charge which is bid. Payment shall be deemed delinquent if not made in 30 days.

§ 96-4. Violations and penalties. [Amended 11-6-1989 by Ord. No. 89-2]

Any person who permits the unreasonable accumulation of garbage, rubbish, or refuse on any property in the Borough of Seven Valleys in violation of this article for a period of more than 15 days shall, upon conviction before a District Justice, be sentenced to pay a fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days; and further, any nuisance may be abated by the Borough Council at the expense of the defendant. The aforesaid fine and costs shall be in addition to, and separate from, the right of the borough to collect any other costs or expenses authorized by this article.

§ 96-5. Prosecution.

Violators of the provisions of this article may be prosecuted before the Mayor of the Borough of Seven Valleys or any District Justice.

ARTICLE II
Refuse Fee
[Adopted 12-17-1984 by Ord. No. 84-2]

§ 96-6. Establishment of refuse fee. [Amended 12-16-1985 by Ord. No. 85-5; 6-17-1986 by Ord. No. 86-3; 12-19-1988 by Ord. No. 88-5; 1-2-1990 by Ord. No. 90-1; 11-7-2011 by Ord. No. 2011-1]

The contractor approved by the Borough Council shall collect a fee for the removal and disposal of refuse from all qualified properties in accordance with the provisions of a duly approved contract. Contractor shall mail or deliver a bill to all the owners of the qualified property as set forth in the contract in accordance with the per-customer charge which is bid. Payment shall be deemed delinquent if not made in 30 days.

§ 96-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS, EDUCATIONAL, INDUSTRIAL OR COMMERCIAL UNIT — Includes, but shall not be limited to, the following, inter alia:

- A. A building under one roof, one side of a double house having a solid, vertical partition wall, or a combination of buildings or other enclosures, occupied by an individual, partnership, unincorporated association, joint venture, corporation or other entity as one party, or intended for occupancy, as a separate business, educational, industrial or commercial establishment.
- B. In the event a building or a combination of buildings within the same enclosure, contain more than one such establishment or the facilities or layout for more than one such establishment or any combination of the same, each such establishment, office or suite of offices, shop, store, repair or service station, warehouse space, or other similarly contained facility or layout located in such building or buildings shall constitute one such unit.

DWELLING UNIT — Each room, group of rooms, apartment, building or other enclosures occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone shall constitute one dwelling unit.

§ 96-8. Collection of refuse fee. [Amended 11-7-2011 by Ord. No. 2011-1]

The contractor approved by the Borough Council shall mail or deliver the refuse charge in accordance with the duly approved contract. Contractor shall bill all the owners of the qualified property as set forth in the contract in accordance with the per-customer charge which is bid. Payment shall be deemed delinquent if not made in 30 days. For any payment not received by the contractor within 30 days, a penalty of \$10 or 10%, whichever is greater, plus interest at the rate of 6% per annum shall be imposed and added thereto, and shall be paid by said owner or reputed owner. If fees remain unpaid 60 days after the billing date, contractor is authorized to file a civil action for the collection of refuse fees, penalties, interest and costs of suit, including reasonable attorney's fees.

§ 96-9. Notification of correct address.

Every owner of real estate situate within the Borough of Seven Valleys, York County, Pennsylvania, shall provide the Borough of Seven Valleys with and thereafter shall keep the Borough of Seven Valleys advised of his or her correct mailing address. Failure of any person to receive bills for refuse charges imposed herein shall not be considered an excuse for nonpayment thereof, nor shall such failure result in an extension of the period of time during which the said bills shall be payable at the face amount thereof.

§ 96-10. Liens; filing and collection of liens, costs and fees.

Refuse charges imposed by this article shall be a lien, as of and from January 1 of the year for which the first semiannual charge is imposed and July 1 of the year for which the second semiannual charge is imposed, on the entire parcel of real estate upon which is situate the dwelling, business, educational, industrial or commercial unit for which said charge is imposed. Any refuse charges imposed by this article for the first semiannual period which are not paid by March 31 of the year for which the same is imposed, and any refuse charges imposed by this article for the second semiannual period which are not paid by September 30 of the year for which the same is imposed, shall be filed in the office of the Prothonotary of York County, Pennsylvania, as a lien against said real estate, and shall be collected in the manner provided by law for the filing and collecting of municipal claims. In the event a lien is filed against such property as aforesaid, the owner or reputed owner shall pay, in addition to the said charges and penalty, reasonable attorney's fees, legal interest and cost of suit which shall be added to and become part of the said lien until the same is paid in full, by the Sheriff or otherwise. Nothing herein contained shall prohibit the borough from pursuing any other remedy for the collection of the refuse fee imposed herein as permitted by law as the borough shall deem appropriate.

§ 96-11. Unlawful conduct.

The unreasonable accumulation of garbage, rubbish and refuse on any property in the Borough of Seven Valleys is and the same shall be hereby prohibited. Any person, partnership, association or corporation generating and disposing of the equivalent of one or more standard dumpsters of garbage, rubbish and refuse every two weeks from a parcel of real estate situate in Seven Valleys Borough on a routine basis, and desiring to make their own arrangements with an authorized refuse collector for the disposal of the same, may make such arrangements at that landowner's own expense, and the borough shall assume no liability whatsoever for such transactions. In the event any such private arrangements are made by any such landowner, the refuse fee herein shall not be imposed or assessed upon such parcel of real estate and owner for the semiannual period during which such private transactions are in effect; provided, however, that such private collection shall be regularly made and the aforesaid prohibition against accumulation of garbage, rubbish and refuse on such parcel shall not be violated.

§ 96-12. Violations and penalties. [Amended 11-6-1989 by Ord. No. 89-2]

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this article shall, upon conviction before a District Justice, be sentenced to pay a fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. The aforesaid fine and costs shall be in addition to, and separate from, the right of the borough to

collect any other costs or expenses authorized by this article. Each day of such violation shall constitute a separate offense. The borough may abate the nuisance created by such unreasonable accumulation at the expense of the landowner.