

CITY OF CORRY

*Ordinance*

Ordinance No. 1631

Council Bill No. 22-11

*Presented by: Mr. Sproveri*

**AN ORDINANCE TO AMEND ORDINANCES #s 1224 and 1349, CODIFIED AS CHAPTER 50, REFUSE, OF CODE OF THE CITY OF CORRY, ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**WHEREAS**, the City recently implemented a new toter program for the collection and disposition of City refuse and recycling, and

**WHEREAS**, the City's current contract for the collection and disposition of refuse and recyclables will be expiring in 2023, and

**WHEREAS**, the Mayor and City Council wish to amend the current ordinance to incorporate the use of the toters and also to clarify the process for collection of refuse and recycling materials, collection timeframes, and address delinquent payments for refuse in anticipation of entering into a new waste contract.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORRY, ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA and enacted by the authority of the same that:**

**Section 1.** The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference.

**Section 2.** All deletions are shown as struck through; all additions are underlined.

**Section 3.** Ordinance #s 1224 and 1349, codified as Chapter 50, Refuse, are hereby amended as follows:

**50.03 Separation of Recyclables and Placement for Removal.**

(A) Recyclables shall be kept separate from other refuse and shall be collected by the city or its designated agent. Individual household units shall separate recyclables and prepare them for collection in the following manner.

(1) Glass containers shall be emptied and cleaned; tops shall be removed; the material shall be placed in toters provided by the City or its designated contractor, or other approved containers.

(2) Metal cans shall be emptied and cleaned; tops shall be removed; the material shall be placed in toters provided by the City or its designated contractor, or other approved containers.

(3) Plastic bottles shall be emptied and cleaned; the material shall be placed in toters provided by the City or its designated contractor, or other approved containers.

(B) Recyclables may be comingled in one container and shall be placed at the curbside in the container provided by the City or the City's designated contractor to be collected at

times designated by the city. Recyclables, as defined in this subchapter, shall not be placed in the same container with garbage and shall not otherwise be mixed with other forms of solid waste placed for collection, removal or disposal under the city refuse contract.

#### **50.24 Pre-Collection Practices.**

(A) General. It shall be the duty of every owner or person in possession, charge or control of any dwelling or place of business where garbage, rubbish and household rubbish are produced and accumulated, and of every resident, householder, tenant and person occupying a dwelling, apartment or place of business within the city:

(7) To place all receptacles for the storage of garbage and rubbish and all household rubbish at the curb line, in front of the premises, on the prescribed collection day prior to 6:00 a.m.;

(B) Containers. All receptacles required by this subchapter for the storage of garbage and rubbish shall be provided by the City and/or its designated contractor. The containers shall conform to the following standards and shall be maintained as follows:

(1) All such receptacles shall be of substantial construction made of metal or plastic, equipped with tight-fitting lids and strong handles.

(2) All receptacles for the storage of garbage and rubbish shall be of standard type of toter and shall have a capacity not exceeding 95 gallons. The City or its designated contractor may elect to offer toters with smaller capacities for individuals that may have difficulty with the 95 gallon toter.

(3) Containers shall be furnished by the City or its designated contractor and shall be maintained in a sanitary condition by the occupant.

#### **50.25 Collection Practices.**

(C) Limitations on quantity.

(1) Each collection of garbage and rubbish as hereinabove set forth shall be limited to one (1) 95-gallon toter or one (1) 36-gallon toter provided by the City or its designated contractor for the collection of refuse. Commercial and industrial collections shall be limited to a weekly total, per establishment, which is based on the net area used for commercial or industrial purposes.

#### **50.26 Charges for Service.**

Except as may otherwise be provided, every resident or property owner owning, occupying or using a property within the City shall contract only with the City or its designated contractor for the collection, removal, hauling, transportation and proper disposition of refuse and recyclables generated upon or within the said property. Every property owner or occupant of a property contracting for service with the City or its designated contractor shall be obligated to pay to such contractor the fee(s) assessed for the service.

(F) Delinquency liens. Failure to make payment on the applicable due date will result in a lien being filed against the subject real property. The lien shall be filed in accordance with the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq.

50.27 Hours of collecting and hauling refuse over city streets.

No collection of refuse shall be permitted in the city and no hauling of refuse shall be permitted on the streets or alleys of the city after the hour of 6:00 p.m. or before the hour of 6:00 a.m. from Monday through Saturday, and no hauling of refuse shall be permitted on Sunday, except for emergency conditions, if authorized by the city.

50.97. Unlawful Disposition of Refuse and Recyclables. It shall be unlawful for any person to bring any refuse or recycling into the City or to transport refuse or recycling from one address to another within or outside the City for the purpose of taking advance of the collection service or to avoid the cost of collection. No person shall place upon any other property refuse or recyclable not generated upon that property, except for placement of recyclable materials for collection upon one's own property and/or placement of materials at a licensed recycling or composting facility.

50.98 Dumping/Litter. It shall be unlawful for any person to store, dump discard or deposit, or to permit the storage, dumping, discharging or depositing of any refuse or recyclables upon the surface of the ground or underground within the City, except in property containers for the storage and collection in conformance with this Chapter. It shall be unlawful for any person to dump or deposit any refuse or recyclables in any stream or body of water in the City.

**Section 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency.

**ORDAINED AND ENACTED** into law by the City Council of Corry, Erie County, Commonwealth of Pennsylvania this 19<sup>th</sup> of December, 2022

**ATTEST:**

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**LAURA L. THOMAS, CITY CLERK**

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**MICHAEL E. BAKER, MAYOR**