

**Bill No: 5 of 2023**  
**Introduced: June 20, 2023**  
**By: Councilman Tom Karpiak**  
**Enacted: JULY 18, 2023**  
**Ordinance No: 1574**

AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, REQUIRING AND REGULATING COLLECTION, TRANSPORTATION, AND DISPOSAL OF WASTE AND WASTE MATERIALS; MAKING IT UNLAWFUL TO ACCUMULATE WASTE AND WASTE MATERIALS; REQUIRING MANDATORY SUBSCRIPTION TO AND PAYMENT FOR WASTE AND WASTE MATERIAL SERVICES; IDENTIFYING VIOLATIONS AND PENALTIES; PROVIDING FOR AUTHORITY AND AGENCY BY THE CITY; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third-Class City Code, 11 Pa.C.S.A. § 12409, empowers the City of Connellsville to regulate the collection and disposal of ashes, garbage, solid waste, and other refuse materials located within the City; and

WHEREAS, the Third-Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Connellsville with the power “to prohibit and abate public nuisances;” and

WHEREAS, the Third-Class City Code affords the City of Connellsville with the power to regulate businesses and business activities within the City; and

WHEREAS, pursuant to Section 304(a) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.304(a), a municipality has a duty to assure the proper and adequate transportation, collection, and storage of municipal waste that is generated or present within its boundaries and to assure adequate capacity for the disposal of municipal waste generated within its boundaries; and

WHEREAS, pursuant to Section 304(b) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.304(b), a municipality may adopt resolutions, ordinances, regulations, and standards for the transportation, storage, and collection of municipal waste; and

WHEREAS, pursuant to Section 304(c) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.304(c), a municipality may contract with any person to carry out its duties for the transportation, collection, and storage of municipal waste; and

WHEREAS, the City Council of the City of Connellsville, Fayette County, Pennsylvania, regulates and desires to continue to regulate the collection, transportation, and disposal of waste and waste materials within the boundaries of the City of Connellsville; and

WHEREAS, the City Council of the City of Connellsville desires to memorialize existing requirements for the collection, transportation, and disposal of waste and waste materials within the boundaries of the City of Connellsville; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Connellsville with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs.”

**BE IT ENACTED AND ORDAINED** by the City Council of the City of Connellsville, Fayette County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1.     Definitions.**

The following words and terms as used in this ordinance have the meaning ascribed thereto, unless the content clearly indicates a different meaning:

*City Council* – City Council of the City of Connellsville.

*Collector* or *Collectors* - any person, municipal authority, firm, co-partnership, association, or corporation that collects, transports, or disposes of garbage, refuse, rubbish, or ruffraff for a fee, including but not limited to any collector awarded a contract by the City of Connellsville or its designee or agent to collect, transport, and dispose of garbage, refuse, rubbish, or ruffraff.

*Combustible Refuse* - all paper, excelsior, rags, rubber, shoes, and such other refuse which may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

*Garbage* - all table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for use for which reason they are discarded.

*Hazardous Waste* - waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials, radioactive and medical waste. For purposes of this ordinance, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner such as aerosol cans, pesticides, fertilizers, and similar items disposed of in small quantities.

*Incombustible Refuse* - all discarded articles or materials, except sewage, liquid waste, garbage, and combustible refuse.

*Person* - any natural person, association, partnership, firm, limited liability company, or corporation.

*Refuse* - all combustible refuse, incombustible refuse, and garbage referred to collectively.

*Riffraff* - all waste materials too large for collection in the ordinary containers, such as furniture, tanks, stoves and the like.

*Rubbish* - all miscellaneous waste materials not otherwise included herein, including but not limited to ashes, tin cans, pottery, pruning from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.

*City of Connellsville* or *City* - the City of Connellsville, a municipal body and third-class city of Fayette County, Pennsylvania.

**Section 2. Unlawful to Accumulate Waste Materials.**

From and after the effective date of this Ordinance and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the City of Connellsville, garbage, refuse, rubbish, and riffraff for a period in excess of seven (7) days. The accumulation or storage of hazardous waste upon private property in the City of Connellsville is prohibited. The owner(s), primary tenant(s), or primary occupant(s) of each premises shall pick up and dispose of any garbage, refuse, rubbish, or riffraff deposited or accumulated upon any sidewalk, gutter area, berm, or margin on or adjacent to such premises.

**Section 3. Mandatory Subscription to Waste Collection Services; Liability for Costs of Waste Collection Services; Billing and Assessment of Waste Collection Services; Default in Payment and Imposition of Penalties and Service Fees.**

(A) The owners, primary tenants, or primary occupants of all dwellings, multiple dwelling structures, apartments, commercial structures, industrial structures, or any other type of structures, or parts thereof or units therein, in the City of Connellsville, shall utilize and subscribe to garbage, refuse, rubbish, and riffraff collection, transportation, and disposal service and make payment to such utilized or subscribed collector; provided, however, that if the City Council, by resolution, awards one or more contracts for garbage, refuse, rubbish, or riffraff collection, transportation, or disposal service to any one or more collectors pursuant to its authority as a municipality under the Third Class City Code, the Municipal Waste Planning, Recycling, and Waste Reduction Act, or Section 4 of this Ordinance, the owners, primary tenants, or primary occupants of all dwellings, multiple dwelling structures, apartments, commercial structures, industrial structures, or any other type of structures, or parts thereof or units therein, in the City of Connellsville, shall utilize and subscribe to such contracted garbage, refuse, rubbish, or riffraff collection, transportation, and disposal service and make payment to such contracted collector, as set forth in this Ordinance.

(B) Any person who owns a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or parts thereof or units

therein, in the City of Connellsville, which he or she does not occupy, or which he or she lets to others, or which he or she permits others to occupy, shall be jointly and severally responsible and liable with the occupant(s) of the said structure for the cost of garbage, refuse, rubbish, and ruffraff collection, transportation and disposal, whether such cost be assessed by a private collector or, if applicable, any collector awarded a contract by the City of Connellsville, as set forth in this Ordinance.

(C) No person shall dispose of his garbage, refuse, rubbish, or ruffraff except as provided in this Ordinance, except nothing herein contained shall prevent the use of a device commonly known as a disposal which is attached to a sink and connected into a sewer.

(D) Each separately or independently occupiable unit within a dwelling, multiple dwelling structure, apartment building, townhouse complex, commercial structure, industrial structure, or other structure shall be treated as a separate residence or unit, with each separate unit being required to have collection on the same basis as a single residence or unit. Each separately or independently occupiable unit within a dwelling, multiple dwelling structure, apartment building, townhouse complex, commercial structure, industrial structure, or other structure, shall be assessed separately for the cost of garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service. Duplex houses shall be assessed as at least two separate units, unless the house is not used and occupied as two separate units.

(E) If, after being sent a bill for garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service by any collector, the owner(s), primary tenant(s), or primary occupant(s) of a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or part thereof, in the City of Connellsville, or any unit therein, fails to remit payment to the proper collector by the date upon which such bill is due and payable, the owner(s), primary tenant(s), and primary occupant(s) shall be deemed to be in violation of the provisions of this Ordinance.

(F) In the event that the owner(s), primary tenant(s), or primary occupant(s) of a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or part thereof or any unit therein, in the City of Connellsville, fails to pay the collector within thirty (30) days after a bill becomes due and payable, and subject to the terms of any contract or agreement between the City of Connellsville (or its designee or agent) and any collector, the City of Connellsville or the collector may pursue any remedy sought by the collector against or penalty imposed upon the owner(s), primary tenant(s), or primary occupant(s) of a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or part thereof or unit therein, in the City of Connellsville, in accordance with this Ordinance and any other law, statute, ordinance, or act.

#### **Section 4.     Award of Contract; Contracted Hauler.**

(A) Following the enactment of this Ordinance, the City of Connellsville and City Council may prepare, or direct other officials of the City of Connellsville or any agent or designee of the City of Connellsville to prepare, specifications for bidding for one or more contracts covering the collection, removal, and disposal of garbage, refuse, rubbish, and ruffraff in the City

of Connellsville.

(B) By action of the City Council, the City of Connellsville or any agent or designee of the City of Connellsville may seek and advertise for bids for a contract or contracts for the collection, transportation, and disposal of garbage, refuse, rubbish and ruffraff, and a contract or contracts may be awarded to the lowest responsible bidder(s), at specifications and requirements which are set by the City Council or its designee or agent. The City Council and the City of Connellsville, and their designees and agents, hereby reserve and, with the bid specifications and other bid documents, shall reserve 1) the right to waive any technical defects or deficiencies in any submitted bids and 2) the right to reject any or all bids.

(C) The City Council, by resolution, awards one or more contracts for garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service to any one or more collectors, only the person or persons to whom such contracts are awarded shall be permitted to engage in the activities covered by such contracts in the City of Connellsville.

**Section 5. Violations; Penalties.**

(A) The failure of a person to comply with any term, provision, requirement, or mandate under this Ordinance shall constitute a violation hereof. All actions for enforcement of this Ordinance shall be brought as follows:

(1) As a summary offense, before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who shall violate any provision of the ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus court costs and costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate violation and offense.

(2) As a civil action in law or equity, before a magisterial district judge in the same manner provided under the Pennsylvania Rules of Civil Procedure for Magisterial District Judges. Any person, partnership, or corporation who or which has violation of the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Connellsville, shall pay a judgment of not less than \$100 nor more than \$600 plus all court costs and costs of prosecution. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the City of Connellsville may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred. Each day that a violation continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate violation and offense.

(B) The presence of any articles containing a person's name among garbage, refuse, rubbish, or ruffraff shall create a rebuttable presumption, for purposes of this Ordinance, that said garbage, refuse, rubbish, or ruffraff is the property of the person whose name is found therein. This presumption shall only be rebutted by clear and convincing evidence to the contrary.

(C) For purposes of enforcing this Ordinance with any fine, imprisonment, or other penalty, any officer, director, or member of any corporation or other legal entity having officers, directors, or members shall be responsible and liable to the same degree as any such corporation or other legal entity.

(D) In addition to any other remedy provided in this Ordinance, the City of Connellsville may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance.

(E) The existence or exercise of any remedy provided by this Ordinance shall not prevent the City of Connellsville from exercising any other remedy available at law or equity.

**Section 6.** Authority and Agency.

(A) The City of Connellsville, by and through its City Council, may assign, delegate, or appoint any designee or agent, including, without limitation, the Connellsville Municipal Authority, by ordinance or resolution, to act on behalf of the City of Connellsville in the performance of any authority or function provided in this Ordinance, including, without limitation, of the bidding or awarding of any contract for services, the collection of bills and amounts owing and outstanding or delinquent, and the placement of liens on premises.

(B) In addition to those individuals, agents, or officers generally empowered to enforce this Ordinance, a collector who is awarded a contract to collect, transport, or dispose of garbage, refuse, rubbish, or ruffraff, as described herein, may be authorized, and empowered, by resolution or ordinance of the City Council, to institute any civil and/or criminal action, including the placement or assessment of liens, on behalf of City of Connellsville to enforce the provisions of this Ordinance. Nothing herein shall be construed to limit the authority or ability of the City Council, the code enforcement officer(s), the Connellsville Police Department, the Pennsylvania State Police, or any other law enforcement or other agent of the City of Connellsville or the City Council to enforce this or any other ordinance.

**Section 7.** Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair, or affect any of the remaining portions of this Ordinance.

**Section 8.** Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this Ordinance is hereby repealed to the extent of any such conflict on the effective date of this Ordinance; provided, however, that this Ordinance shall not repeal any property

maintenance ordinance or code or qualify of life or ticketing ordinance, which shall be separate and independent from this Ordinance and which may be simultaneously or alternatively enforced with this Ordinance.

**Section 9. Effective Date.** This Ordinance shall become effective immediately.

This Ordinance is duly ORDAINED AND ENACTED by at least three members of the City Council of the City of Connellsville at a duly advertised public meeting held on the 18<sup>th</sup> day of July, 2023.

CITY OF CONNELLSVILLE

ATTEST:



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Greg Lincoln  
Mayor and President of Council

By:

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Vern Ohler, City Clerk