

Date: _____
The Beard Legal Group-City Solicitors

ORDINANCE NO. 5272
City of Johnstown
Cambria County, Pennsylvania

Bill 18 of 2019, as amended

By: Councilman Williams
Councilwoman Stanton

Introduced in Council on
May 8, 2019, and as amended
on June 12, 2019

AN ORDINANCE

AMENDING ORDINANCE NO. 5265, PASSED FINALLY ON JANUARY 16, 2019 TITLED: AN ORDINANCE ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS, AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS, AND THE RESPECTIVE FUNDS "BUDGET EXHIBIT A DETAILS: to amend the 2019 UDAG Fund to make appropriations for City Wide Demolition cost , and to correct error in UDAG Fund Exhibit "A" mathematic total, as per amended Budget Exhibit "A" attached thereto, **and additional 2019 Exhibit "A" amendments, attached thereto, in various other City Funds as amended on June 12, 2019.**

BE IT ENACTED AND ORDAINED, by the Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

Section 1. This Ordinance shall become effective (10) days following final passage.

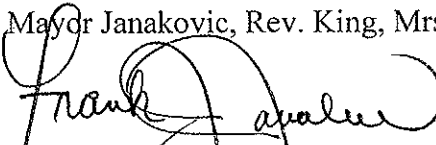
PASSED FINALLY IN COUNCIL:

August 14, 2019

By the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Britt, Mayor Janakovic, Rev. King, Mrs. Mock. (6)

Nays: Mr. Williams. (1)

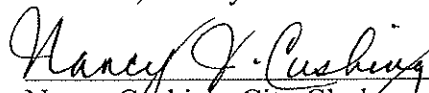


Frank Janakovic, Mayor

Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5272 as the same adopted by the City Council of the City of Johnstown, Pennsylvania



Nancy Cushing, City Clerk

Account Number	Account Description	Actual 2015	Actual 2016	Actual 2017	Budget 2018	Actual 2018 thru AUG	Projected 2018	Budget 2019	Amendment June 12, 2019	Adjusted Budget 2019
Revenue										
08.541.38.029.00	UDAG Interest Earnings- Interest Income					0	0			
08.541.38.270.00	Interest Earnings-Investment Interest Income	10,593.00	711.51	1,837.00	700.00	3,497	5,245	6,500		6,500
08.542.18.000.00	Rents and Royalties- Rental Income					0	0			
	Total Interest and Rent	10,593.00	711.51	1,837.00	700.00	3,497	5,245	6,500		6,500
Grants and Joint Projects:										
08.550.25.005.00	Grant Rev-Sandy Vale Memorial Gardens									
	Total Grants and Joint Projects									
Department Earnings and Fees:										
08.567.65.009.00	Charges for Services- Advertising- Farmer's Market									
	Total Department Earnings and Fees									
Proceeds from Debt:										
08.593.66.252.00	Proceeds From- Loan Repayments- Job Develop	89,927.00	111,143.77	68,250.00	70,000.00	27,278	40,915	50,000		50,000
08.593.66.254.00	Proceeds From- Loan Repayments- Crown						0			
08.593.66.255.00	Proceeds From Loan Repay- Lee Hospital						0			
08.593.66.255.00	Proceeds From- Loan Repayments- Lee Hospital						0			
08.593.66.269.00	Proceeds From- Loan Repayments- UDAG				350,830.00	249	0	1,034,718		1,034,718
08.595.76.309.00	Service fees-UDAG		1,521.00	336.00			373			
	PennDott Reimb- PCTI Project						0			
	Total Proceeds from Debt	89,927.00	112,664.77	68,586.00	421,530.00	27,527	46,160	1,091,218	0	1,091,218
	TOTAL REVENUE	\$ 100,520.00	\$ 113,376.28	\$ 70,423.00	421,530.00	31,024	51,405	1,091,218	0	1,091,218
Expenses										
Operating Expenses:										
08.607.14.000.00	Econ Dev Salaries/Wages									
08.607.19.003.00	Econ Dev Worker Comp									
08.607.19.005.00	Econ Dev PA Unemployment									
08.607.19.007.00	Econ Dev FICA									
08.676.00.389.00	Misc. Program Expenses- Secure Property									
08.676.00.362.00	Misc. Program Expenses- Artist Relocation Program									
08.676.00.365.00	Misc. Program Expenses- Revolving Loan Fund	27,204.00	830.93	15,750.00	381,530.00	57,501	86,247	4,094,218	-250,000	781,218
08.676.00.367.00	Misc. Program Expenses- Emergency Demolition	-	54,136.00		30,000.00	61,917	92,871	20,000		20,000
08.676.00.281.00	Misc. Program Expenses- Economic Development	9,298.00	4,166.57	17,440.00	10,000.00	27,618	41,425	40,000		40,000
08.676.00.375.00	Misc. Program Expenses- Mock Tower Loft						0			
08.676.00.449.00	Misc. Program Expenses- Farmer's Market Advert						0			
08.676.00.263.00	Misc. Program Expenses- Johnstown Brochure						0			
08.676.00.241.00	Misc. Program Exp- Point Stadium Improvements						0			
08.676.00.214.00	Misc. Program Exp- Discover Downtown Partnership						0			

Account Number	Account Description	Actual 2015	Actual 2016	Actual 2017	Budget 2018	Actual 2018 thru AUG	Projected 2018	Budget 2019	Amendment June 12, 2019	Adjusted Budget 2019
08.676.00.213.00	Misc. Program Expenses- JECC 2003						0			
08.676.00.207.00	Misc. Program Expenses- YMCA Contribution						0			
08.676.00.169.00	Misc. Program Expenses- Jarit's All About Jobs						0			
08.676.00.159.00	Misc. Program Expenses- Tour De Toona- Jhwn Leg						0			
08.676.00.151.00	Misc. Program Expenses- Art Works/Bottle Works						0			
08.678.28.341.00	PCTI Project Expenses						0			
08.676.00.XXX.00	C2P2 Project Expense						0			
08.676.00.478.00	Misc. Program Expenses - Sewer Lateral Rebate		45,107.50	19,150.00					250,000	250,000
08.676.00.480.00	Misc. Demolition Expenses									
	Total Operating Expenses	36,502.00	104,241.00	52,340.00	421,530.00	147,036	220,543	1,091,218	0	1,091,218
	TOTAL EXPENSES	\$ 36,502.00	\$ 104,241.00	\$ 52,340.00	\$ 421,530.00	147,036	220,543	1,091,218	0	1,091,218

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5273

Bill 21 of
2019

Introduced in Council

June 12, 2019

AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE ESTABLISHMENT OF A PROPERTY TAX EXEMPTION FOR CERTAIN UNDERUTILIZED, BLIGHTED, OR DETERIORATED INDUSTRIAL, COMMERCIAL, OR OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE AREAS; SETTING A MAXIMUM EXEMPTION AMOUNT; AND AN EXEMPTION SCHEDULE; AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION

WHEREAS, the general assembly of the Commonwealth of Pennsylvania has enacted legislation known as the Local Economic Revitalization Tax Assistance Act (LERTA), (Act 76 of 1977, 72 P.S. §4722 et seq.) amended July 11, 1998 (P.L. 518 90) which authorizes local taxing authorities to provide for tax exception for certain deteriorated industrial, commercial, and other business property.

WHEREAS, the Department of Community and Economic Development for the City of Johnstown is ambitious to instrument said LERTA to direct revitalization activity to identified areas within the Moxham and Roxbury Neighborhoods in City of Johnstown.

NOW THEREFORE, BE IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Johnstown, Pennsylvania, as follows:

SECTION I DEFINITIONS:

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

- a. Act and/or Program: the Local Economic Revitalization Tax Assessment (LERTA) Act of the Commonwealth of Pennsylvania.
- b. Designated Area: the area, as designated herein, and contained within the municipal boundaries of the City of Johnstown.
- c. Applicable Property: any industrial, commercial, or other business property owned by an individual, association, or corporation, and located in a underutilized, blighted, or deteriorating area, as designated herein, or any such property which has been the subject of an order by the City of Johnstown, the County of Cambria, and/or the Greater Johnstown School District requiring the

Unit to the vacated, condemned, or demolished by reason of noncompliance with laws, ordinances, or regulations.

- d. Qualified Improvement: the construction of new building structures, repair or substantial renovations to existing structures, having the effect of rehabilitating an underutilized, blighted, or deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with the laws, ordinances, or regulations governing said standards. The qualified improvement shall be such which results in an increase in assessed valuation, scheduled and/or ordinary upkeep and maintenance shall not be deemed a qualified improvement.
- e. Commercial LERTA: Program classification for any applicable property (commercial, industrial, or mixed-use) undergoing qualified improvements.
- f. Residential LERTA: Program classification for any applicable property (residential rentals/apartments/townhouses, or hotels) undergoing qualified improvements. The Program is not intended and shall not be applicable to personal residential residences.
- g. Local Taxing Authority: the City of Johnstown, the Greater Johnstown School District, the County of Cambria, or any other governmental entity having the authority to levy real property taxes within the jurisdiction of the City of Johnstown, Pennsylvania.
- h. Assessment Agency: the Cambria County Tax Assessment Office or any other appropriate assessment agency.

SECTION 2 EXEMPTION AMOUNT:

- a. The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.
- b. The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Cambria County Tax Assessment Office

SECTION 3 EXEMPTION SCHEDULE:

All exemptions available hereunder shall be based upon the aggregate cost of each improvement as follows:

- a. The assessed valuation of qualified improvements to an applicable property shall be exempt of real property taxation in accordance with the following schedule and

for the following period of years commencing with the first year which the qualified improvements are assessed for a full calendar year, to-wit:

1. Commercial LERTA

Abatement Period:	10 Years
Assessment Increment Abated:	Year 1 & 2: 100%
	Year 3 & 4: 80%
	Year 5 & 6: 60%
	Year 7 & 8: 40%
	Year 9 & 10: 20%

2. Residential LERTA

Abatement Period:	5 Years
Assessment Increment Abated:	Year 1: 100%
	Year 2: 80%
	Year 3: 60%
	Year 4: 40%
	Year 5: 20%

- b. The City of Johnstown reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable as in the best interest of the advancement of the purposes and intent of this Ordinance and the effective administration thereof.
- c. The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.
- d. This Ordinance shall become effective immediately upon approval, and unless otherwise repealed by subsequent legislation, this Ordinance shall remain in effect for a period of Eight (8) years from the date of approval. However, as hereinbefore stated, the City of Johnstown reserves the right to amend this Ordinance or repeal this Ordinance at any time. However, any property tax exemptions granted hereunder shall be permitted to continue according to the exemption schedule as set forth in Section 3.

SECTION 4

APPLICATION BY TAXPAYER:

- a. The Taxpayer shall have the obligation to apply for the exemption as set forth herein.
- b. At the time a building permit is secured and issued for the construction of a qualified improvement for which an exemption is requested, the Taxpayer shall

Apply to the City of Johnstown Department of Community and Economic Development or any successor agency thereto, for the exemption provided for in this Ordinance. The request for the exemption must be provided by a completed application, as provided herein, and prescribed by the City of Johnstown.

- c. The applicant shall attest that they have not demolished a structure deemed by the State or City as historically significant in order to construct their facility.
- d. The Taxpayer must have the completed application with requested attachments submitted and filed Ninety (90) calendar days after receiving their building permit.

SECTION 5 PROCEDURE FOR OBTAINING EXEMPTION:

- a. A copy of the approved request of Real Estate Exemption under the applicable LERTA Program shall be forwarded by the City of Johnstown Department of Community and Economic Development to the Cambria County Tax Assessment Office and the Greater Johnstown School District.
- b. The Applicant shall base value of application on market value not to be less than construction cost. Vacancies are not to be considered in valuation.
- c. Upon the completion of the reassessment The Cambria County Tax Assessment Office will notify the Taxpayer of the calculated amount of assessment eligible for tax exemption through the standard (CA) process.
- d. Appeals from the reassessment of qualified improvements and the amount eligible for tax exemption may be taken by the Taxpayer as provided by law.

SECTION 6 HEARING BOARD

A Tax Abatement Hearing Board shall consist of the Finance Director of the City of Johnstown or persons assigned by the City Manager (Chair) and a representative to be named by the Greater Johnstown School District and Cambria County, for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of the Ordinance.

The Hearing Board shall have the following powers and responsibilities;

- a. To hear appeals from any person aggrieved by the application of this Ordinance.
- b. To make rules with regard to conducting its hearings.
- c. To make findings of fact as may be required by the application of this Ordinance.
- d. To decide questions presented to the Board.
- e. To affirm, revoke, or modify the decision of the City of Johnstown to the eligibility of a particular property for the Property Tax Abatement as provided for in this Ordinance.

- f. The Board shall meet upon Notice of the Chairman within thirty (30) days of the filing of an appeal and shall render its decision within fifteen (15) days after the appeal hearing.
- g. Every action of the Board shall be by resolution and certified copies furnished to the appellant.
- h. All hearings shall be public; and the appellant or any other person whose interests may be affected by the matter on appeal shall be given as opportunity to be heard.

SECTION 7 RULES AND REGULATIONS

The City Manager or persons assigned by the City Manager are hereby authorized and empowered to prepare, promulgate, and enforce rules and regulations made pursuant to the provisions of this Ordinance. Such rules and regulations shall have the full force and effect of law unless modified, revoked, or repealed by Council.

SECTION 8 BOUNDARIES:

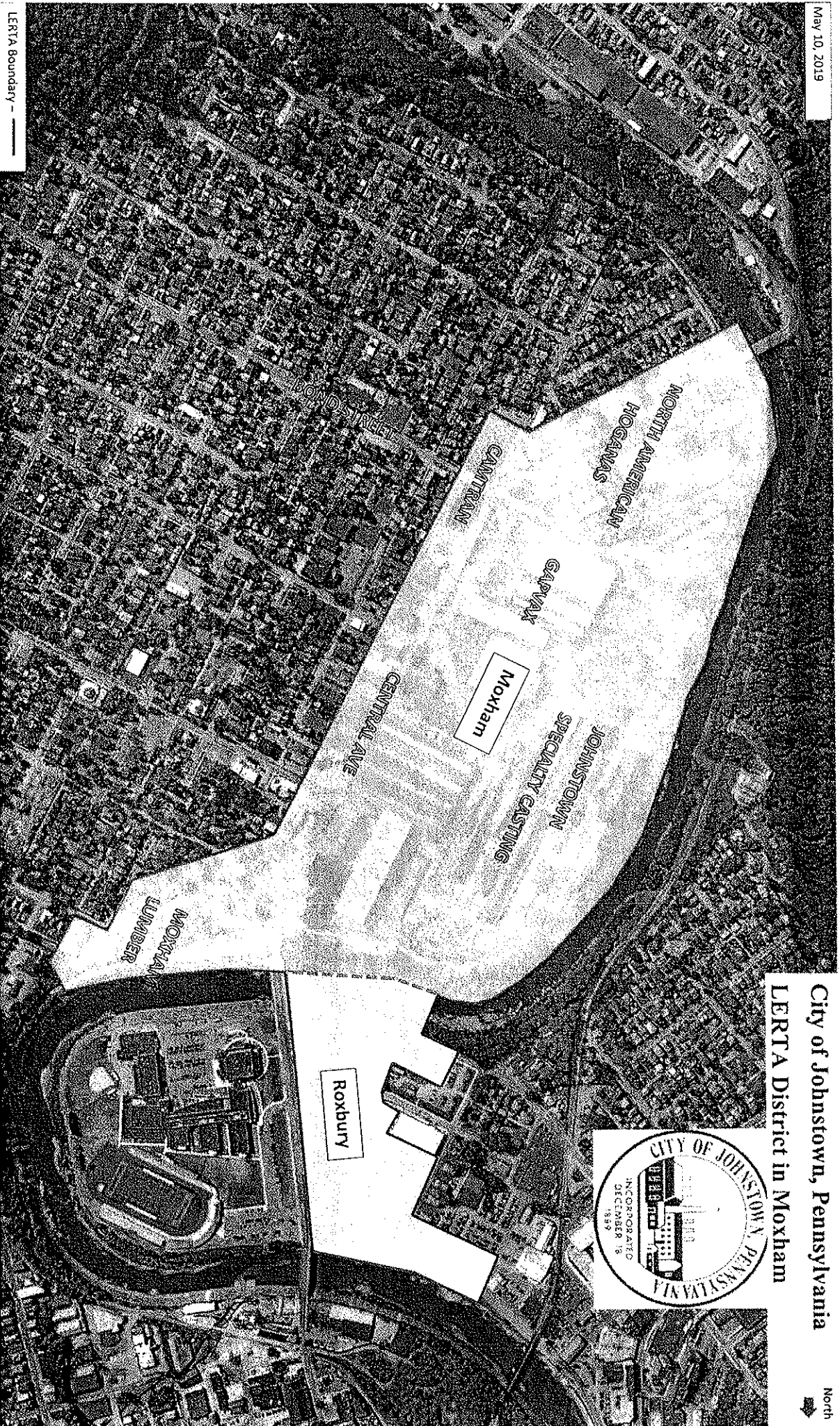
The boundaries, as designated herein, with the accompanying map submitted by the Johnstown DCED dated May 10, 2019 are hereby affixed as the boundaries of the LERTA Program and all industrial, commercial, or other business properties located therein shall be considered an applicable property of this Ordinance. The boundaries of the LERTA Program or any portion thereof may be changed from time to time as it shall deem advisable as in the best interest of the advancement of the purposes and intent of this Ordinance.

SECTION 9 CONTINGENCY:

Adoption of this Ordinance is not contingent upon the final adoption of Local Economic Revitalization Tax Assistance Act (LERTA) by the Greater Johnstown School District and/or Cambria County.

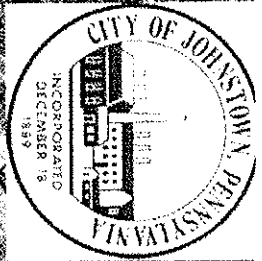
SECTION 10 DEFAULT

Tax abatement under this Ordinance shall be available only for those properties for which real estate taxes are promptly paid and discharged when due. Any property that is declared delinquent as established by the statutes of the Commonwealth of Pennsylvania shall lose the LERTA benefits and any and all currently due and future taxes shall be due and payable at the full unabated assessment and tax rate.



City of Johnstown, Pennsylvania

LERTA District in Moxham



SECTION 11

APPEAL OF DEFAULT

Properties that have been declared delinquent may appeal the rescission of the LERTA by providing a written request to the Hearing Board providing a basis for the appeal and the justification for the waiver of the requirements of Section 10.

SECTION 12

TERMINATION:

Unless otherwise repealed by subsequent legislation, this Ordinance shall remain effective for a period of eight (8) years from the date of enactment. However, if this Ordinance should subsequently be repealed, any property tax exemptions granted hereunder shall be permitted to continue according to the exemption schedule as set forth in Section 3 herein.

SECTION 13

SEVERABILITY:

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City of Johnstown reserves the right to amend this Ordinance from time to time as it shall deemed in the best interest of the purpose and intent of this Ordinance, and the effective administration thereof.

SECTION 10

EFFECTIVE DATE:

This Ordinance shall be in full effect ten (10) days after the publication as required

PASSED FINALLY IN COUNCIL:

August 14, 2019

By the following vote:

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Rev. King, Mrs. Mock. (5)

Nays: Mr. Williams, Mrs. Stanton. (2)

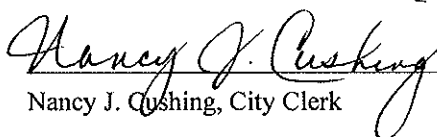


Frank J. Janakovic, Mayor

Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the following is a true and correct copy of Ordinance No. 5273 as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk

CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 5274

BILL NO. 23 OF 2019
As Amended

INTRODUCED IN COUNCIL
JULY 23, 2019

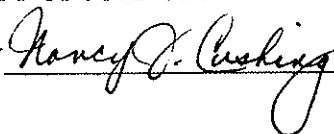
1. BILL NO. 23 OF 2019. AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 4275, CODIFIED ORDINANCE OF THE CITY OF JOHNSTOWN CHAPTER 1060, TITLED GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, PASSED FINALLY ON MAY 26, 1982 AND AMENDED BY ORDINANCE NO. 4297 ON 12-20-82; ORD. NO. 4500 ON 10-11-89; ORD. NO. 4671 ON 7-13-94; ORD. NO. 4699 ON 12-21-94; ORD. NO. ON 4762 ON 12-30-96; ORD. NO. 4982 ON 12-19-05; ORD. NO. 4903 ON 1-8-03; ORD. NO. 4909 ON 3-12-03; ORD. NO. 4920 ON 11-12-03; ORD. NO. 4956 ON 12-8-04; ORD. NO. 5015 ON 3-12-08; ORD. NO. 5040 ON 10-13-09; ORD. NO. 5053 ON 2-24-10; ORD. NO. 5067 ON 4-28-10; ORD. NO. 5082 ON 4-13-11; ORD. NO. 5100 ON 2-15-12; ORD. NO. 5107 ON 7-11-12. MORE SPECIFICALLY AMENDING CODIFIED ORDINANCE SECTION 1060.14, TEMPORARY CHANGES; SECTION 1060.19, REFUSE COLLECTION FEES; SECTION 1060.20, STICKERS; SECTION 1060.21, ENFORCEMENT. ATTACHED AS EXHIBIT TITLED CHAPTER 1060, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL

AMENDMENTS ATTACHED AS:

EXHIBIT TITLED
CHAPTER 1060
GARBAGE AND RUBBISH COLLECTION AND DISPOSAL

ORDAINED AND ENACTED at a duly assembled public meeting by the City of Johnstown, Cambria County, Pennsylvania this 14th day of August, 2019.

CITY OF JOHNSTOWN

BY 

PASSED FINALLY IN COUNCIL: August 14, 2019

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

EDITOR'S NOTE: Resolution 8056, passed January 9, 1991, ratified the Municipal Waste Management Plan for Cambria County, dated December, 1990.

- 1060.01 Definitions.
- 1060.02 Compliance required.
- 1060.03 Collection from family units.
- 1060.04 Collection from non-family units.
- 1060.05 Licensed private collectors.
- 1060.06 Districts; time of collection.
- 1060.07 Frequency of collection from family units.
- 1060.08 Damaging receptacles.
- 1060.09 Interference with collectors.
- 1060.10 Report of violations; prosecution of offenders.
- 1060.11 Supervision of collection program.
- 1060.12 Adoption and amendment of rules and regulations.
- 1060.13 Printing and distribution of chapter.
- 1060.14 Temporary changes.
- 1060.15 Appeals.
- 1060.16 Unlawful placement or scattering of refuse.
- 1060.17 Refuse containers.
- 1060.18 Pre-collection practices.
- 1060.19 Refuse collection fees.
- 1060.20 Stickers.
- 1060.21 Enforcement.

1060.99 Penalty.

CROSS REFERENCES

- Power to provide for garbage collection - see 3rd Class Sec. 2403(6)
- Prohibition of garbage as nuisance - see 3rd Class Sec. 2403(16)
- Condemnation of property for garbage disposal plants - see 3rd Class Sec. 2801
- Garbage and rubbish on sidewalks and streets - see S.U. & P.S. 1022.06
- Garbage and rubbish in parks, public property and public facilities - see S.U. & P.S. 1062.07, 1062.14
- Recycling - see S.U. & P.S. Ch. 1068
- Garbage disposal plants - see P. & Z. Ch. 1260
- Garbage and rubbish from building demolition - see B. & H. 1460.02, 1460.03
- Unlawful deposits on public and private property - see H. & S. 1810.04
- Garbage and rubbish from restaurants - see H. & S. 1820.09

1060.01 DEFINITIONS.

- (a) "Automated lift container" means a container with a hinged lid that is designed to be lifted, dumped, and returned by refuse collection vehicles that have a mechanical lifting device.
- (b) "Authorized containers," where automated service is not authorized, means containers which are sturdy, leak-proof, metal, rubber or plastic containers with lids, ten to thirty-two gallons capacity, loaded weight not exceeding fifty pounds and approved by the City and the City's contracted private collector may be used for refuse collection. Oil or other drums or containers with sharp edges are not acceptable. Cardboard boxes, when in sturdy condition, are acceptable only for dry materials loaded weight not exceeding twenty-five pounds and not having sharp edges.
- (c) "Bin" means a metal container, approved by the City and the city's contracted private collector for the deposit of refuse (loose or compacted), which shall:
 - (1) Have a close-fitting cover where required by the director;
 - (2) Be leak-proof and fly-proof;

- (3) Be free of sharp, rough, or jagged surfaces or edges likely to cause injury;
 - (4) Uses casters or other means for easy movement (for bins up to four cubic yards in size);
 - (5) Be designed in a manner to be emptied mechanically.
- (d) "Box" (roll-off) means a large metal container approved by the City and the City's contracted private collector for the deposit of refuse or rubble, which shall:
- (1) Be leak-proof if carrying wet wastes;
 - (2) Be free of sharp, rough, or jagged surfaces or edges likely to cause injury;
 - (3) Have the ability to be covered with a tarpaulin, lid, or other suitable covering;
 - (4) Be compatible to be safely lifted onto City roll-off trucks.
- (e) "Bulky wastes" means and includes large items of solid waste such as appliances, furniture, large auto parts, trees, large branches, stumps, asphalt, concrete, large rock, and other oversize wastes of large size which precludes or complicates handling by normal collection or disposal methods.
- (f) "Bundle" means a package containing rubbish only, not exceeding four feet in its longest dimension, two feet in diameter nor twenty-five pounds in weight, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or leakage, and placed for collection immediately adjacent to a standard or authorized container including, but not limited to, the following:
- (1) Tree limbs;
 - (2) Brush and prunings;
 - (3) Magazines and newspapers.
- (g) "Commercial enterprise" means any retail, wholesale, manufacturing, construction or service enterprise, but does not include apartment buildings or those parts of apartment buildings exclusively used as a family unit.
- (h) "Dead animals" means all dead animals and parts thereof not intended to be used for food for human consumption.
- (i) "Director" means the director(s) of the department(s) responsible for carrying out the provisions of this chapter.
- (j) "Family unit" means an occupied residential dwelling unit, whether a single-family home or one of the basic dwelling units of a duplex, double house, triplex or multi-unit apartment building, forming a single unit and used for living and sleeping purposes, having its own cooking facilities, bathroom with a toilet, and a bathroom or shower.
- (k) "Garbage":
- (1) Includes all kitchen and table food waste and animal, fruit or vegetable waste that attends or results from the storage, sale, preparation, cooking or handling of food stuffs;
 - (2) Uncleaned containers originally used for foodstuffs;
 - (3) Consists of every accumulation of animal, vegetable, and other matter that attends the sale, preparation, consumption, dealing in or storage of meats, fish, fowl, birds, fruits or vegetables;
 - (4) All other abandoned putrescible organic matter. The term garbage does not include dishwater or wastewater.
- (l) "Non-family unit" means a firm, proprietorship, partnership, corporation, society, church, association or instrumentality of government that occupies all or part of a building or adjacent buildings and generates refuse for collection at a defined place on or near the premises. Does not include any apartments located within the building housing the "non-family unit."
- (m) "Hazardous wastes" shall have the same meaning as is defined in the Commonwealth of Pennsylvania statutes or regulations.
- (n) "Infectious wastes" shall have the same meaning as defined in the Commonwealth of Pennsylvania statutes and regulations.
- (o) "Nuisance" means anything which is injurious to health or is offensive to the senses or an obstruction to the free use of property so as to interfere with a person's comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (p) "Person" means any individual, partnership, corporation, association, or any other entity that

owns, controls or occupies any property within the City.

(q) "Property" means each individual commercial or industrial establishment or dwelling unit.

(r) "Private collector" means a person who or which is in the business of collecting refuse from commercial enterprises and non-family units, other than his, her or its own business or non-family unit.

(s) "Putrescible wastes" means and includes wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions, and include materials such as food wastes and offal.

(t) "Refuse" means all putrescible and non-putrescible solid waste, except body waste, including garbage, rubbish, street cleanings and dead animals.

(u) "Rubbish" means all organic or inorganic materials, not defined herein as garbage or rubble, which are rejected, abandoned or discarded by the owners, or producers thereof, as offensive or useless or no longer desired by such owners or producers. These materials include, but are not limited to, corrugated cardboard, paper, wood, rags, used clothing; discarded or abandoned bedding; discarded or abandoned carpets; discarded or abandoned oil cloth and linoleum; sweepings, cuttings, or cleanings from buildings, yards, lawns or gardens; bottles, tin cans or containers which have no food residue; broken crockery and glassware; old metal, wire packing or wrapping materials; ashes; trimmings from lawns, shrubs, plants or trees; rope, twine, jute, bagging, or burlap.

(v) "Rubble" means rocks, concrete, bricks and similar solid material; plaster, dirt, and similar abandoned or discarded inorganic, noncombustible, non-putrescible materials; building construction, or demolition waste materials; sod.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.02 COMPLIANCE REQUIRED.

No person shall collect, convey over any of the streets or alleys of the City or dispose of any refuse accumulated in the City, except as provided in this chapter.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.03 COLLECTION FROM FAMILY UNITS.

(a) All refuse from family units shall be collected by employees of the City, under the supervision of the Director, or collection may be contracted out to one or more private haulers after competitive bids are received by the City as prescribed by law. However, for purposes of collection from a family unit consisting of an owner having his or her own living quarters in or above a commercial or non-family unit, the unit shall be considered to be commercial or non-family, and such owner shall be exempt from payment of the fees provided in Section 1060.19 upon presentation of a copy of the contract for refuse removal by a licensed private collector for the commercial or non-family unit. (Ord. 4500. Passed 10-11-89.)

(b) If the City elects to contract for refuse removal, the following duties of the Director may be delegated to the private hauler through the bid specifications:

(1) Section 1060.06, pertaining to daily collection districts and advising the public about collection schedules;

(2) Section 1060.12(c), pertaining to daily collection schedules; and

(3) Section 1060.15, pertaining to temporary changes in collection schedules.

(c) If the City elects to contract for refuse removal, the maximum garbage container capacity as prescribed in Section 1060.01(b) shall be as prescribed in the bidding specifications.

(Ord. 4297. Passed 12-20-82; Ord. 4982. Passed 12-19-05; Ord. 5040. Passed 10-13-09.)

1060.04 COLLECTION FROM NON-FAMILY UNITS.

Refuse from non-family units may be collected by any licensed private collector under a private agreement between the licensed private collector and the owner, occupant or agent of the non-family unit. Any commercial enterprise may haul away its own refuse in its own trucks using its own employees or may elect to have its refuse removed by the City or its designated contractor subject to negotiated fees. Private collector must have a true data base of licensed collectors and enforcement.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.05 LICENSED PRIVATE COLLECTORS.

(a) License Required. No private collector shall engage in the business of private refuse collection and removal without possessing a valid license therefore from the City.

(b) Compliance Required. In order to obtain a valid license from the City, the private collector must satisfy the requirements of subsections (c) and (d) hereof.

(c) License Fee. Each private collector shall pay to the City, on or before February 1 of each year, an annual license fee of one thousand dollars (\$1,000) to haul in the City and no new license shall be issued until the fee is paid in full. Non-payment shall be grounds for immediate revoking of contractor's license.

(d) Private Collection Vehicles. Each private collector shall demonstrate that he or she possesses and uses exclusively in the private collection of refuse an enclosed watertight container body mounted on each truck chassis. Each container body shall be designed and equipped so that neither refuse nor noxious odors will escape the collection vehicle.

(e) Revocation of Licenses. The Director may revoke a license following a hearing if it is determined that the private hauler:

- (1) Uses one or more collection vehicles that do not meet the requirements of this chapter;
- (2) Repeatedly creates nuisances in collecting and disposing of refuse;
- (3) Has violated Federal or State criminal statutes in the conduct of business or in the collection of refuse; or
- (4) Has violated any provision of this chapter.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.06 DISTRICTS; TIME OF COLLECTION.

The Director and the City's garbage collector shall divide the City into districts and the residents of each district shall be notified on which day of the week the refuse in such district will be collected by the City. Changes may be made in districts and in the time for collection of refuse in each district as the Director may determine and promulgate pursuant to Section 1060.12.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.07 FREQUENCY OF COLLECTION FROM FAMILY UNITS.

Refuse shall be collected from each family unit at least once per week, except as provided in Section 1060.14. Refuse in containers as described in Section 1060.01(b) from family units will not be placed at the collection point, or in public right-of-way, sooner than twenty-four hours prior to collection.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.08 DAMAGING RECEPTACLES.

No unauthorized person shall damage, remove or destroy or in any manner interfere with garbage vessels or receptacles or the contents thereof.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.09 INTERFERENCE WITH COLLECTORS.

No person shall obstruct, delay or interfere with garbage and rubbish collectors while in the performance of their lawful duties.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.10 REPORT OF VIOLATIONS; PROSECUTION OF OFFENDERS.

All violations of this chapter shall be reported to the Director or his or her authorized agent, who shall investigate or cause to be investigated all complaints, issue citations and prosecute offenders.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.11 SUPERVISION OF COLLECTION PROGRAM.

The Director shall oversee the collection, conveyance and disposal of all refuse, whether done by the City, by private collectors or by commercial enterprises hauling their own refuse.

(Ord. 4275. Passed 5-26-82; Ord. 4982. Passed 12-19-05.)

1060.12 ADOPTION AND AMENDMENT OF RULES AND REGULATIONS.

(a) The Director is hereby authorized to prepare and to adopt and amend reasonable regulations consistent with this chapter pertaining to:

- (1) The frequency of service by private haulers to prevent nuisances from occurring and to