

CHAPTER 20

SOLID WASTE

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Part 1

Solid Waste and Recyclables Storage,
Collection, Disposal and Processing

A. Title, Purpose and Definitions.

§101. Title. This Part shall be known as the "Solid Waste and Recyclables Storage, Collection, Disposal and Processing Ordinance." (Ord. 664, 12/27/1990, §101)

§102. Intent and Purpose.

1. It is the intent and purpose of this Part to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all residential, commercial, and industrial refuse accumulated or stored upon any property within the Borough shall be collected and removed by a responsible person or licensed hauler who shall be licensed with the Borough, and shall be disposed in an area authorized by and approved by the Borough in accordance with all State, Federal and local laws and ordinances.

2. It is also the intent and purpose of this Part to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all material separated and stored for recycling at any residential, commercial, institutional or municipal establishment in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and local ordinances and regulations shall be collected and removed by a responsible person or licensed hauler who shall be licensed with the Borough and shall be delivered to a recycling processing center authorized and approved by the Borough for processing and marketing in accordance with all State, Federal, and local laws and ordinances. [Ord. 723]

(Ord. 664, 12/27/1990, §102; as amended by Ord. 723, 12/15/194, §1)

§103. Definitions. For the purpose of interpreting the provisions of this Part, the following words shall have the meaning or meanings ascribed;

ASHES - residue from the burning of coal, coke, or other combustible material.

BULKY WASTE - municipal waste which is too large and/or heavy to be placed in standard thirty (30) gallon garbage (municipal waste) bags and/or garbage (municipal waste) receptacles including, but not limited to, appliances, furniture and large auto parts. [Ord. 701]

CARTWAY - paved area of street, alley, road, avenue, etc.

CONSTRUCTION AND/OR DEMOLITION WASTE - solid waste (as defined in Act 101) resulting from the construction and/or demolition of buildings and other structures including, but not limited to, wood, plaster, metals, asphaltic substances, brick, block and unsegregated concrete. The term also includes dredging waste. For the purposes of this Part, the term "municipal waste" shall not include "construction and demolition waste" and regulation of collection including, but not limited to, licensing for collection of construction and demolition waste shall be the responsibility of the Blair County Solid Waste Authority. The term does not include the following, however, if the same are separate from other waste and are used

as clean fill (e.g. material used to level uneven areas of real estate):

- A. Uncontaminated: soil, rock, stone, gravel, unused bricks, blocks and/or concrete.
- B. Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

[Ord. 701]

DISPOSAL - storage, collection, disposal, or handling of garbage, municipal waste, and other refuse material.

GARBAGE - putrescible animal, fish, fowl^{*}, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

HAZARDOUS WASTE - any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contain gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities or any combination of the above; does not include solid or dissolved material and domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which, because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The term "hazardous waste" shall not include coal refuse, as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. "Hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Act of June 22, 1936, (P.L. 1987, No. 394) known as the "Clean Streams Law."

LICENSED HAULER - a person who has obtained a license from the Borough authorizing said person to collect, transport, and/or dispose of municipal waste, other refuse material, and/or recyclables from residential, commercial and/or industrial establishments.

MUNICIPALITY - the Borough of Hollidaysburg.

MUNICIPAL WASTE - any garbage, refuse, industrial lunchroom or office waste and other material, including liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities

* Ord. 664, read "foul."

(including, but not limited to, festivals). The term does not include source separated recyclable materials.

NUISANCE - any condition, structure, or improvement which shall constitute a threat to the health, safety or welfare of the citizens of the Borough.

OCCUPANT - person generally in possession and control of any residential, commercial, institutional or industrial establishment.

PERSON - every natural person, association, firm or corporation. Person also includes a lessee as well as an owner of a residential establishment, and includes a person, association, firm or corporation which owns a residence or business.

RECYCLABLES - materials generated by a person which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclables include the following: newsprint, aluminum cans, bi-metallic cans, clear and/or colored glass, plastic beverage containers, high grade office paper, corrugated paper, leaf waste and such other materials as may be designated or deleted from time to time by resolution.

RECYCLING PROCESSING CENTER - a facility that receives, sorts, separates, prepares, and markets collected recyclables.

REFUSE - any material other than residual waste, municipal waste, hazardous waste and/or recyclables.

RESIDUAL - any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous material resulting from industrial, mining and agricultural operations and any sludge that is not otherwise hazardous from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, or recycling processing center, provided that it is not hazardous. The term "residual waste" shall not include coal refuse, as defined in the Coal Refuse Disposal Control Act. Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law.

SPECIAL RECYCLABLES - recyclables other than those recyclables mandated herein to be collected at the curb side that are marketable as scrap, recyclable or reusable such as angle and cast iron, copper, etc. [Ord. 701]

WASTE DUMPSTERS and/or WASTE CONTAINER - any nonmotorized and/or nonpropelled receptacle designed to hold and/or receive municipal waste and/or other refuse material, capable of being lowered and lifted by motor vehicle or truck for the purpose of municipal waste and/or other refuse material collection. [Ord. 723]

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

Other words not defined herein shall have the meaning set forth in the Municipal Waste Planning, Recycling and Waste Reduction Act (Act101), the Collection and Recycling Waste Ordinance, Section III of the Recycling

Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.

(Ord. 664, 12/27/1990, §103; as amended by Ord 701, 11/18/1993, §1; and by Ord. 723, 12/5/1994, §2)

B. Licensing of Haulers.

§111. Licensing of Haulers.

1. It shall be unlawful for any person to engage in the business of collecting and/or transporting municipal waste, other refuse materials, or recyclables within the limits of the Borough or to use a motor vehicle or truck for such purpose without having first secured a license to do so, as hereinafter provided in this Part, the Collection and Recycling Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.

2. The license required pursuant to §111(1), if issued, shall be issued to the person requesting the same as noted on the application therefor; however, said person shall be required to obtain a collection decal for each vehicle and/or truck intended to be used in the business of collecting and/or transporting municipal waste, other refuse material and/or recyclables in the Borough. [Ord. 701]

3. Renewal and Transfer of License.

A. Any person having been issued a license pursuant to this subpart B, as the effective date of this Part (hereinafter "effective date") may, if said person meets all the requirements of this and any other applicable local, State and/or Federal law, rule and/or regulation, be entitled to have said license renewed in accordance with this Part, as amended from time to time. No license shall be issued however, to any person other than the persons who were issued a license as of the effective date of this Part. Nothing herein shall prohibit any person having been issued a license as of the effective date of this Part from selling, gifting or otherwise transferring said person's license to any other person (hereinafter transferee) whether or not said transferee possessed a license pursuant to this subpart as of the effective date of this Part. This transfer of said license shall be contingent upon the transferee satisfying the requirements of this Part and any other local, State and/or Federal law, rule and/or regulation verified in writing by the Secretary of the Borough or other person designated by Borough Council and the transferee may apply to have said license renewed from time to time.

B. In order to further the intent of this Part, in no event shall the license transferred to any person be split and/or partitioned in any way and any transfer of such license shall be of the entire license. Once the said license is transferred, it shall be unlawful for the person who was originally issued the license to collect and/or transport municipal waste, other refuse or recyclables within the limits of the Borough, unless said person shall be duly employed by or in some manner actively involved in the collection and/or transportation business of the transferee. Additionally, in the event the transferee is a person who was issued and currently holds a license pursuant to this subpart B, the license so transferred shall merge into the license held by the transferee prior to the transfer such that the transferee will be entitled to later transfer, in accordance with this subpart, only one (1) license.

C. Any license which has been issued to any person under this subpart, which said license at any time after the effective date of this Part is discontinued and/or not renewed by the holder thereof and/or the same has not been revoked by the Borough for any reason, shall not be reissued to any person who was originally issued said license and said license shall be permanently retired by the Borough.

[Ord. 694]

(Ord. 664, 12/27/1990, §111; as amended by Ord. 694, 4/15/1993, §1; and by Ord. 701, 11/18/1993, §2)

§112. Collection of Recyclables Required. Except as otherwise provided by this Part or any other ordinance or regulations of the Borough, no license shall be issued to any person desiring to collect municipal waste and/or other refuse material within the Borough unless said person shall also collect recyclables as set forth in Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough. (Ord. 664, 12/27/1990, §112)

§113. Application. Any person desiring to engage in the business of collecting and/or transporting any other refuse material, or recyclables from any residential, commercial, institutional or municipal establishment residential, within the Borough, shall first make application to the Secretary of the Borough on the form prescribed, setting forth in such application the name and address of the applicant, type, model and weight of each motor vehicle or truck the applicant shall use for such work, the place within the Borough wherein such applicant shall collect such Borough waste, other refuse material and/or recyclables, and the place and manner where such applicant shall dispose of and/or process any municipal waste, other refuse material and/or recyclables which the applicant shall collect. Said application shall be accompanied by a license fee, as hereinafter set forth. All license applications must be filed with the Borough Secretary at least ten (10) days prior to the expiration of a person's current municipal waste/recycling license. (Ord. 664, 12/27/1990, §113; as amended by Ord. 674, 12/16/1991, §1(A))

§114. License Fee. The annual license fee for licenses issued pursuant to §111 shall be established from time to time by the Council, which said license fee may be established based upon regionalized zones, which said zones may be established by the Council from time to time. (Ord. 664, 12/27/1990, §114; as amended by Ord. 701, 11/18/1993, §2)

§115. Issuance of License.

1. The Secretary of the Borough or other person designated by the Borough Council, upon submission of a written application and payment of a license fee, and after investigation as the Borough may deem necessary, by the applicant for the collection and/or transportation of municipal waste, other refuse material and/or recyclables. The person so designated to issue said license may deny the application of any person for said license pursuant to Chapter 20, Part 1, Subpart E, §142, "Denial of License." [Ord 688]

2. The license shall contain on the face thereafter the words: "Hollidaysburg Borough Municipal Waste Collection, and Recycling License" and the year of issuance and such license shall be good and valid during the calendar year for which said license is issued and until the 31st day of January of the following calendar year, provided such licensee collects, transports, disposes, and/or delivers such municipal waste, other refuse material and/or recyclables in the manner set forth in this Part and in accordance with the laws, statues, regulations and rulings of the Commonwealth of Pennsylvania, ordinances, permits, resolutions and regulations of the Borough relating to the collection transportation, disposal and/or processing of municipal waste, other refuse material and/or recyclable material.

3. Each person issued a license pursuant to §111 shall affix a collection decal to the outside of the left front door of each motor vehicle and/or truck designated by the licensee in its application and shall be displayed at all times when such motor vehicle or truck is used in the business of collecting and/or transporting municipal waste, other refuse material or recyclables in the Borough. The collection decal shall be of such design and cost as shall be established from time to time by Council. [Ord. 701]

(Ord. 664, 12/27/1990, §115; as amended by Ord. 688, 1/14/1993, §1; and by Ord. 701, 11/18/1993, §2)

§116. Transfer of License.

1. No license issued pursuant to the provisions of this Part may be used for any other motor vehicle or truck except as hereinafter provided.

2. A collection decal issued pursuant to provisions of this Part may be transferred from one (1) motor vehicle or truck when replaced by another motor vehicle or truck upon written application to the Secretary of the Borough in the manner and form prescribed in §113 of this Part and indicating thereon that such application is for the transfer of a valid, existing collection decal and the type, model and weight of the motor vehicle or truck from which the collection decal is to be transferred and such application shall be accompanied by a collection decal transfer fee established from time to time by the Borough.

(Ord. 664, 12/27/1990, §116; as amended by Ord. 701, 11/18/1993, §2)

§117. Collection Vehicles; Specifications and Conditions.

1. Truck Specifications.

A. No hauler licensed pursuant to this Part shall operate, cause or permit to be operated any motor vehicle or truck for collecting or disposing of municipal waste, recyclables and/or other refuse material within the limits of the Borough unless such motor vehicle or truck shall be properly covered by a tarpaulin or other proper cover of a material sufficiently strong so as to keep the municipal waste, recyclables or other refuse material from falling or being blown from said motor vehicle or truck while said motor vehicle or truck is either parked or being operated in any part or on any road or street or alley in the Borough. Said tarpaulin or other proper cover shall be attached to any such motor vehicle and/or truck regardless of whether municipal waste, recyclables and/or other refuse material may or may not fall or be blown from said motor vehicle or truck.

B. On and after January 1, 1999, no hauler licensed pursuant to this Part shall operate, cause or permit to be operated any motor vehicle or truck for collecting or disposing of municipal waste and/or other refuse material within the limits of the Borough of Hollidaysburg unless such motor vehicle or truck shall be equipped with a fireproof and leak proof compacting compartment. Said compacting compartment, in addition to meeting any other specifications herein required, shall facilitate complete containment of solid waste and be equipped with operable drain plugs at the lowest point. Only bulky, oversized waste or recyclables may be collected on open bed vehicles and said items shall be secured and completely covered with a waterproof tarpaulin.

[Ord. 701]

2. No vehicle used in the collection, transportation or disposal of municipal waste, recyclables and/or other refuse material, shall scatter any of said material, leachate or vehicle fluids on the streets, roads, highways, alleys or other property (public or private) in the Borough of Hollidaysburg.
[Ord. 701]

3. Vehicles used to collect or transport municipal waste, and/or other refuse material shall be maintained in a sanitary condition so as to present a satisfactory outward appearance and shall meet all the requirements of the Borough and the Pennsylvania Department of Environmental Resources.

4. The Borough shall have the right to inspect any vehicles used to collect or transport municipal waste, other refuse material or recyclables at an reasonable time for the purpose of determining compliance with this Part or any other ordinance, resolution and/or regulations of the Borough. The licensed hauler shall correct deficiencies immediately upon notification by the Borough, and said collection vehicle shall not be used for the purposes set forth in this Part until said deficiencies have been corrected.

5. Each hauler licensed pursuant to this Part shall maintain its equipment in such condition as to be able to maintain the collection schedule.

6. Trucks and/or other vehicles used for the collecting transporting, disposing or removing any municipal waste, other refuse material, or recyclables in the Borough shall meet the following requirements.

A. Packers. All municipal waste, other refuse material, or any recyclables shall be enclosed within the confines of the cargo area, which shall be watertight.

B. Dump Trucks. If constructed with completely metal beds and lacking additional wood side boards, such truck shall be covered with a waterproof tarp as set forth in §117(1) of this Part.

C. Dump trucks or pickup trucks on which additional wooden sideboards have been installed shall be completely covered with a waterproof tarpaulin and any material transported therein shall be kept within the confines of the bed of any such truck. [Ord. 701]

D. Passenger vehicles used for the transporting of municipal waste, other refuse material or recyclables shall keep said material

within the confines of the vehicle at all times. Access in the vehicle cargo area shall be kept closed at all times, without the use of additional aids such as ropes, tie-downs, and other similar mechanisms.

E. Any trucks or vehicles used for the collection and/or transporting of recyclable within the Borough shall conform to the requirements of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance, resolution or regulation of the Borough.

F. Any and all vehicles used for the collection of municipal waste, other refuse material and/or recyclables shall be clearly marked to identify the person which has been issued the license to collect municipal waste, other refuse and/or recyclables pursuant to this or any other applicable Borough ordinance. The marking used by said person shall be the name listed on the application for the licensure of said vehicle submitted to the Borough for collection purposes and contain lettering no less than six (6) inches in height. [Ord. 701]

(Ord. 664, 12/27/1990, §115; as amended by Ord. 674, 12/16/1991, §1(B); and by Ord. 701, 11/18/1993, §2)

§118. Waste Dumpsters and/or Waste Container; Specifications and Conditions.

1. Any waste dumpster and/or waste container(s) shall, in addition to being subject to the requirements of subpart B, §131, subsection (5), be illuminated with a warning light, light reflector or a reflectorized material visible to oncoming vehicles for a distance of not less than three hundred (300) feet, between the hours of sunset and sunrise.

2. Any waste dumpster and/or waste container shall be equipped with a cover so that when not in use, material will not blow from the container, nor will significant amounts of water accumulate in the waste dumpster and/or waste container so as to cause leakage.

3. Liquid leachate shall not leak from any waste dumpster and/or waste container onto any street, sidewalk or public right-of-way.

4. Only permitted, nonrecyclable municipal waste shall be placed in such containers, in compliance with all applicable ordinances and/or guidelines.

5. The name of the licensed hauler responsible for the placement, emptying or removal of the waste dumpster and/or waste container must prominently be displayed thereon.

6. No person shall park or place any waste dumpster and/or waste container on any street, alley, highway, sidewalk or right-of-way within the Borough, under any circumstances, other than the conditions enumerated under subsection (7).

7. Subsection (6) of this §118 shall not be applicable to the temporary parking/placement of said waste dumpster and/or waste container upon proof of sufficient cause, to the Borough, at which time a permit will be issued for a temporary period of time determined as reasonable. The permit will not be valid unless the waste dumpster and/or waste container

meets all specifications required by this Part. Additionally, at no time will a waste dumpster and/or waste container be placed onto any running lane of the roadway restricting the flow of traffic.

8. Upon official notification by the Borough of violation of this Part and/or other applicable ordinances and/or guidelines, the licensed hauler responsible for the placement, emptying or removal of same or the owner of the same shall remove said waste dumpster and/or waste container in violation from the street, alley, highway or sidewalk within twenty-four (24) hours. If the waste dumpster and/or waste container has not been removed, and the licensed hauler responsible for the placement, emptying or removal of same or the owner of the same has not shown cause for a time extension the Borough shall move or cause to be moved, at the said licensed hauler or owner's expense, said equipment in violation, to a suitable facility where it may be reclaimed by the said licensed hauler and/or owner upon payment of costs.

9. The waste dumpster and/or waste container permit fee under this Part shall be established from time to time by the Borough and shall be in addition to all other license fees or tax required to be paid by the laws of the Commonwealth of Pennsylvania, or the ordinance of the Borough.

(Ord. 664, 12/27/1990; as added by Ord. 723, 12/15/1994, §3)

C. Disposal and/or Processing of Recyclables.

§121. Authorization to Contract for Services.

1. The Borough and/or its designee may, from time to time, execute such contracts on terms and conditions as deemed advisable with not more than six (6) persons to enable such person and/or persons to operate or cause to be operated a recycling processing center for the purpose of accepting recyclables collected within the Borough for processing and/or disposal. It shall be unlawful for any person or persons to engage in the business of operating or causing to operate a recycling processing center for the purpose of accepting recyclables collected within the Borough unless said person shall have secured a contract with the Borough to permit such business.

2. Nothing in this Part shall be construed as granting permission to any person and/or persons to operate a recycling processing center outside the corporate limits of the Borough. Each recycling processing center shall comply with all applicable requirements of the host municipality and/or the Commonwealth of Pennsylvania including, but not limited to, zoning and subdivision laws.

3. In the event that any licensed hauler has a contract or agreement existing as of December, 1990, to deliver some but less than all, recyclables collected in the Borough to a nonapproved site for recovery, said hauler shall submit, prior to the acceptance by the approved recycling processing center of any recyclables, a copy of said contract or agreement to the approved recycling processing center, and in that event, the approved recycling processing center shall accept the remaining material delivered to it by said licensed hauler, for an additional fee as may be set forth in the contract between the Borough and the approved recycling processing center. In this event, said approved recycling processing center shall, within five (5) working days of receipt of said contract or agreement, provide the Borough a copy of said contract or agreement provided to said recycling processing center by the licensed hauler.

4. Any breach of a contract by a person and/or persons executing the same with the Borough for the purposes of operation of a recycling processing center shall be considered a violation of this Part and shall subject said person and/or persons, in addition to contractual remedies, to the penalties provided herein.

(Ord. 664, 12/27/1990, §121; as amended by Ord. 723, 12/15/1994, §4)

D. Collection of Municipal Waste, Other Refuse Material and/or Recyclables.

§131. Point of Collection.

1. Municipal waste, other refuse or recyclables shall be placed at the edge of the cartway or any other designated place for collection no sooner than 6:00 p.m. on the day before the scheduled day for collection each week.

2. Each hauler licensed pursuant to this Part shall collect all municipal waste, other refuse material and/or all recyclables that have been placed at the side of the cartway or other designated location by its customers for collection, except as otherwise provided in this Part or any other ordinance, resolution or regulation of the Borough.

3. In the event a person is disabled, under the definition of the Americans with Disabilities Act of 1990, and said person, due to the disability, is unable to place municipal waste, refuse and/or recyclables, generated at said person's residence, at the curb side, and said person in any manner notifies the licensed hauler of said person's disability, the licensed hauler shall make reasonable accommodations with said disabled person as to a more accommodating place for placement and collection of the municipal waste, refuse and/or recyclables by the licensed hauler. [Ord. 682]

4. If a person who is disabled pursuant to the immediately preceding subsection, requests said person's licensed hauler to make reasonable accommodations as to a more accommodating place for placement and collection of municipal waste, refuse and/or recyclables, and said licensed hauler refuses and/or the said person believes the accommodations made are not reasonable, said person, or said person's agent (hereinafter "complainant") shall notify the Manager of the Borough within thirty (30) days of said accommodations, if believed to be unreasonable by the complainant, or within thirty (30) days of a request by the complainant for reasonable accommodations if none have been made by the complainant's licensed hauler. The Manager of the Borough, or the Manager's duly authorized agent, shall, within fifteen (15) days of said notice by the complainant, investigate the complaint, and if found to be valid, shall within thirty (30) days of said complaint, notify the complainant's licensed hauler, in writing, by certified mail, return receipt requested, of the deficiency, with a photocopy of said notice to the complainant, and indicate the corrective action to be taken within ten (10) days of receipt of said notice. Failure of said licensed hauler to comply with the directives of the notice shall constitute a violation of this Part and may subject the said licensed hauler to penalties including, but not limited to, revocation of said hauler's license. [Ord. 682]

5. Each licensed hauler owning, leasing and/or otherwise placing or causing to be placed any container at any type of establishment for the purpose of placing municipal waste, other refuse material and/or recyclables therein for later collection, shall ensure that any such container is emptied within forty-eight (48) hours of the same becoming full to capacity, regardless of whether the fee for collection of the same has been paid. Nothing herein shall prevent the licensed hauler from removing said hauler owned or leased container from the establishment for nonpayment of collection services so long as the container is emptied, with

regard to municipal waste, at a permitted landfill facility licensed by the Commonwealth of Pennsylvania and, with regard to recyclables, at a recycling center licensed by the Borough. [Ord. 701]

(Ord. 664, 12/27/1990, §131; as amended by Ord. 682, 10/8/1992, §1; and by Ord. 701, 11/18/1993, §4(A))

§132. Days and Hours of Operation.

1. The hauler licensed hereunder shall not be permitted to collect, remove and/or transport municipal waste, other refuse material or recyclables from residential establishments and/or multifamily establishments with four (4) or more units on Sundays, Thanksgiving Day, New Year's Day and Christmas Day, and at other such times as may be announced by the Borough in situations considered to be emergency by the Borough. If regular collection occurs on any such holidays the Saturday preceding or following the holiday may be used for collection hereunder. Collection shall only occur between 6:00 a.m. and 6:00 p.m. on Memorial Day, Independence Day and Labor Day. Any time and date of collection may, at any time, be changed by resolution of the Council of the Borough. [Ord. 701]

2. The collection of municipal waste, other refuse material and/or recyclables at residential establishments and/or multifamily dwellings having more than four (4) units per structure, shall only occur between the hours of 5:00 a.m. and 6:00 p.m. on any single day of collection and shall not occur at any other time, unless otherwise provided herein or by the Borough. In the event the Borough declares a weather emergency or like situation, collection of said waste and recyclables may continue to take place during the above-stated hours, however, said collection will be permitted to also take place between the hours of 3:00 a.m. and 6:00 p.m. the day following the termination of such weather emergency or like situation unless otherwise announced by the Borough. In the event the weather emergency or like situation is of a severe nature, as the same shall be announced by the Borough, no such collection shall take place during such time but shall be permitted to occur the day following the termination thereof between the hours of 3:00 a.m. and 6:00 p.m. unless otherwise instructed by the Borough. All declarations and/or announcements by the Borough with regard to weather emergencies or like situations may be accomplished through print, television, radio and any other such media deemed appropriate by the Borough. [Ord. 723]

3. Each hauler licensed pursuant to this Part shall, for its own customers, collect and remove any Borough waste and/or refuse material placed for collection by occupants of residential establishments at least once each week, except for the collection of recyclables at residential establishments, which shall be collected as set forth in §132(5) of this Part.

4. Each hauler shall collect municipal waste or other refuse material from commercial establishments at least once every week, and shall collect said municipal waste and/or other refuse material more often if necessary to control health hazards, or to prevent the accumulation of waste or other refuse material so as to create a nuisance, odor, unsightly appearance, except for the collection of recyclables from commercial establishments which shall be collected as set forth in §132(6) of this Part.

5. Recyclables shall be collected from residential establishments at least once every other week as set forth in Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.

6. Recyclables shall be collected from commercial establishments at least once every other week, and shall be collected more often if necessary to control health hazards, or to prevent the accumulation of recyclables so as to create a nuisance, odor, unsightly appearance, as set forth in Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance or regulation of the Borough.

7. All licensed haulers, upon oral and/or written notification by persons who own and/or occupy residential establishments, shall, within fourteen (14) days of such notification, collect bulky waste and/or special recyclables from the residential establishment indicated in such notification.

8. By January 1, 1995, specific times and days of the week shall become effective as the same shall be established by the Borough and/or its approved agent as may be deemed appropriate giving due regard to the dates of collection established in other Intermunicipal Recycling Committee communities. [Ord. 701]

(Ord. 664, 12/27/1990, §132; as amended by Ord. 701, 11/18/1993, §4(B),(C); by Res. 94-76, 10/20/1994; and by Ord. 723, 12/15/1994, §6)

§133. Preparation for Collection.

1. It shall be the duty of the owner of all residential establishments, rented or otherwise occupied by said owner and all establishments containing multifamily rental housing property with four (4) or more units and commercial, municipal and institutional establishments to contract the services of a licensed hauler to collect any municipal waste, other refuse material (on at least a weekly basis) and/or recyclables (on at least a once every two (2) weeks basis) resulting from the operation of any such establishment unless said establishment, by some other means, disposes of the same at a duly licensed municipal waste facility or a duly approved recycling processing facility, and all such establishments shall prepare said materials as follows: [Ord. 723]

A. All municipal waste and/or material shall be drained of liquid insofar as practical, and shall be placed in sanitary sealed bags, containers, and/or cans made of non-absorbent material.

B. Containers used by residential establishments shall not exceed thirty (30) gallons in size; cans shall be [of] a rust-resistant material and shall be furnished and kept clean by the occupant and shall be replaced by the occupant when no longer in satisfactory condition.

C. All municipal waste which cannot be disposed of in containers shall be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise, while awaiting collection.

D. All refuse except bulky waste shall be of units such as can be handled by one (1) person and shall be placed in containers or piled and assembled in such a way as to facilitate collection.

E. All containers shall be kept on the residents property until it is placed for collection as in §131 of this Part.

F. All recyclables shall be prepared for collection as set forth in the Recycling Ordinance Guideline promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance, resolution or regulation of the Borough.

G. Establishments containing multifamily rental housing property with four (4) or more units and commercial, municipal and institutional establishments shall place all municipal waste emanating from said establishments in containers made from rust resistant material of sufficient size and strength to fully accommodate all such municipal waste and of such design to prevent animals from gaining access to such waste. Said containers kept at such establishments shall be kept clean and be replaced when needed by the occupants, owners, landlords and/or agents of such persons. [Ord. 674]

H. Construction and/or demolition waste must be placed in a rigid container, roll off or solid waste vehicle licensed by the Blair County Solid Waste Authority, and may not be stored on the ground, next to structures (as the same may be defined in Borough Zoning Ordinance) and/or on public right-of-ways. A separate container must be provided for mandated recyclable materials (including, but not limited to, corrugated cardboard. [Ord. 701]

(Ord. 664, 12/27/1990, §133; as amended by Ord. 674, 12/16/1991, §1(D); by Ord. 701, 11/18/1993, §4(D),(E); and by Ord. 723, 12/15/1994, §1)

§134. Transfer of Municipal Waste. No person shall transfer or permit the transfer of municipal waste and/or other refuse material from one (1) collection vehicle to another collection vehicle in any area of the Borough except as follows:

A. When said vehicles are parked at a duly licensed transfer station; or

B. When, due to terrain and/or weather conditions, the hauler's collection vehicle, due to its sign and/or tire traction, is unable to gain access to the area (e.g. a rural or extremely hilly area of the Borough) where the said waste is placed by the licensed collection hauler's customer for collection. Only solid waste collected under these conditions may be so transferred from one (1) collection vehicle to another collection vehicle.

(Ord. 664, 12/27/1990, §134; as added by Ord. 674, 12/16/1991, §1(E))

§135. Inspection of Municipal Waste and Recyclables. In order to insure compliance with all applicable Borough ordinances, the Borough, its agents (including, but not limited to, the Blair County Recycling Coordinator) and/or the Borough's employees, may conduct inspections of any and all municipal waste, other refuse material and/or recyclables placed at the

point for collection for pickup and may inspect, at any time, any recycling processing center licensed by the Borough. (Ord. 664, 12/27/1990, §135; as added by Ord. 674, 12/16/1991, §1(E))

§136. Monthly Reporting. All licensed haulers must, on a form provide by the Borough, report all persons for whom the licensed hauler collects, whether residential, commercial, municipal and/or institutional establishments, that fail, during the monthly reporting period, at any and all times, to separate and prepare recyclables for collection as set forth in the Recycling Ordinance Guidelines and/or has the service discontinued for any reason. All licensed haulers shall also submit the name and address of any and all new persons for whom the licensed hauler has been requested to collect during the monthly reporting period. Said report shall be completed in its entirety by the said licensed hauler and supplied to the Blair County Recycling Coordinator by the first day of each month. (Ord. 664, 12/27/1990, §136; as added by Ord. 701, 11/18/1993, §4(F))

E. Miscellaneous.

§141. Insurance Coverage.

1. Any person licensed pursuant to this Part shall carry an insurance policy providing comprehensive liability and property damage insurance, the limits of said insurance policy shall be not less than three hundred thousand (\$300,000) dollars for personal liability, and three hundred thousand (\$300,000) dollars for property damage, and shall furnish proper certificate of insurance coverage to the Borough.

2. Any person licensed pursuant to this Part shall carry an insurance policy providing for Worker's Compensation insurance, as required by the Commonwealth of Pennsylvania, and shall furnish proper certificate of insurance coverage for Worker's Compensation to the Borough.

(Ord. 664, 12/27/1990, §141)

§142. Denial of License.

1. Any person filing an application for any license pursuant to this Part may be denied the issuance of the same by the Borough, if the Borough determines that said applicant has evaded or is attempting to evade the intent, purpose and/or goals of the Pennsylvania Solid Waste Management (35 P.S. §6018.001 et seq.), the Municipal Waste Planning Recycling and Waste Reduction Act, (53 P.S. §4000.101 et seq.), the regulations promulgated pursuant to said acts, this Part, the Collection and Recycling Waste Ordinance, and the guidelines promulgated pursuant to said ordinances, by any means whatsoever, including, but not limited to, entering into agreements with other persons, which said agreements are made for the primary purpose of evasion of said intent, purposes and/or goals; or having been convicted, within three (3) years immediately preceding submission of said application, of a violation of any of the immediately preceding acts, regulations, ordinances and/or guidelines. [Ord. 688]

2. In furtherance of this Section, any person submitting an application for a license issued pursuant to this Part, must submit any and all contracts, agreements, letters of understanding and any other document(s) evidencing a relationship between said applicant and any other person regarding the recovery, processing and/or collection of municipal waste, other refuse material and/or recyclables.

(Ord. 664, 12/27/1990, §142; as amended by Ord. 688, 1/14/1993, §3)

§143. Suspension or Revocation of License.

1. Any person issued a license pursuant to this Part may, in addition to the penalties provided by this Part and under any other applicable ordinance of the Borough, have the same suspended or revoked at any time by the Borough Council of the Borough for failure of a person issued a license to furnish and provide collection, transportation, disposal and/or processing of municipal waste, other refuse and/or recyclables, in accordance with other terms of this Part, the Collection and Recycling Waste Ordinance, Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance, resolution or regulation of the Borough, and the conditions under which the license was issued. Said license may also be suspended or revoked at any time by the Council of the Borough of Hollidaysburg for any and all reasons set forth in §142, "Denial of License." [Ord. 688]

2. In case of violation or failure to comply with the provisions of this Part, the Collection and Recycling Waste Ordinance, Section III of the Recycling Ordinance Guidelines promulgated pursuant to the Collection and Recycling Waste Ordinance, and any other applicable ordinance, resolution or regulation of the Borough, the Borough Council of the Borough shall give said person an opportunity for a hearing thereon. Any person so entitled to a hearing shall have ten (10) days after notice of their right to a hearing to request such hearing in writing. Failure of the said person to so request a hearing shall be deemed to constitute an admission of the violation with which they are charged and which forms the basis of the revocation of their license. In case the person does request a hearing in accordance with this Section, a hearing shall be scheduled before the Borough Council and the person shall be given ten (10) days written notice of the time and place of the hearing at which they may appear and answer the charge.

3. Upon determination that a violation or failure to comply pursuant to this Section did occur, the Council of the Borough of Hollidaysburg may, in the case of a first offense and any second or subsequent offense, issue a warning, or depending on the severity of the first offense or in the case of a second or subsequent offense suspend or revoke the license. [Ord. 701]

(Ord. 664, 12/27/1990, §143; as amended by Ord. 688, 1/14/1993, §3; and by Ord. 701, 11/18/1993, §5)

§144. Accumulation of Garbage Prohibited. It shall be unlawful to place or permit to remain any municipal waste or refuse material or other material subject to decay, including recyclables, except yard waste that is composted in an acceptable manner, anywhere in the Borough except in a tightly covered metal or plastic container. (Ord. 664, 12/27/1990, §144)

§145. Independent Contractor Status. Any person granted a license, as set forth herein, shall not in any manner be construed as an agent, servant or employee of the Borough but shall at all times be considered and remain an independent contractor. Furthermore, any and all personal and/or real property owned, leased or controlled by any person granted a license, as set forth herein, shall at all times be considered and remain as the sole personal and/or real property of said person. (Ord. 664, 12/27/1990, §145)

§146. Rules and Regulations. The Borough is hereby authorized to promulgate rules and regulations and to issue forms as necessary to implement this Part. (Ord. 664, 12/27/1990, §146)

§147. Offense. In addition to the provisions of §143 of this Part, any person who operates, causes or permits to be operated a motor vehicle or truck in violation of this Part or who causes or permits the accumulation of municipal waste, other refuse material or recyclables in violation of this Part, or any person who violates any other provision of this Part, will be guilty of a criminal offense and upon conviction thereof by proceedings brought in the name of the Borough before any District Magistrate shall be sentenced to a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars together with the costs of prosecution and in default of payment to undergo imprisonment for not more than thirty (30) days. Each separate day a violation exists shall constitute a separate offense. (Ord. 664, 12/27/1990, §147)

§148. Severability. If any sentence, clause, Section or part of this Part is for any reason found to be unconstitutional or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, Sections or parts of this Part it is hereby declared as the intent of the Borough Council of the Borough that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, Section or part thereof not been included herein. (Ord. 664, 12/27/1990, §148)

§149. Effective Date. This Part shall become effected on January 1, 1991. (Ord. 664. 12/27/1990)

Part 2

Collection and Recycling Waste

§201. Legislative Purpose. The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. The collection of newspaper, aluminum cans, bi-metallic cans, clear and colored glass, plastic beverage containers and leaf wastes for recycling from homes, apartments and other residential establishments and, in addition to these recyclables, high grade office paper and corrugated paper from commercial and institutional establishments in the Borough of Hollidaysburg and such other recyclables that shall be, by resolution, determined to serve the general public interest may reduce storage, collection, transportation and disposal costs of said wastes and preserve valuable natural resources. This Part has been developed to implement municipal responsibilities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988). (Ord. 663, 12/27/1990, §1)

§202. Definitions.

ALUMINUM CANS - all aluminum cans (typically used for packaging beverages).

BI-METALLIC CANS - this consists of ferrous or "tin cans" commonly used in packaging food products and also those cans consisting of steel and aluminum.

COMMERCIAL ESTABLISHMENT - those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing four (4) or more dwelling units.

CORRUGATED PAPER - paper of the type commonly referred to as "cardboard," typically used for boxing material.

GARBAGE - putrescible animal, fish, fowl^{*}, fruit or vegetable waste, incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS - all products made from silica or sand, soda ash and limestone; the product may be transparent, translucent, or colored and may be used as a container for packaging or bottling of various matter. Excluded are plate glass, automotive glass, blue glass, leaded glass, pyrex and porcelain and ceramic products and lids.

HIGHGRADE OFFICE PAPER - all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT - those facilities that house or serve groups of people such as hospitals, schools, daycare centers, nursing homes, prisons and churches.

LEAF WASTE - leaves, garden residue, shrubbery, tree trimmings and similar material, not including grass.

* Ord. 663, read "foul."

LICENSED HAULER - a person who has obtained a license from the Borough of Hollidaysburg authorizing said person to collect, transport and dispose of municipal waste, recyclables (including leaf waste) from residential commercial and/or industrial establishments.

MUNICIPAL WASTE - any garbage, refuse, industrial lunchroom or office waste or other material, including liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities (including, but not limited to, festivals). The term does not include source separated recyclable materials.

NEWSPRINT - paper of the type commonly referred to as "newspaper" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded are glossy inserts often included with newspapers.

PLASTIC BEVERAGE CONTAINERS - empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling guidelines may stipulate specific types of plastic which may be recycled.

PERSON - every natural person, association, firm or corporation. Person also includes a lessee as well as an owner of a residential establishment, and includes a person, association, firm or corporation which owns a residence or business.

RECYCLABLES - materials generated by a person which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclables include the following: newsprint, aluminum cans, bi-metallic cans, clear and/or colored glass, plastic beverage containers, high grade office paper, corrugated paper, leaf waste and such other materials as may be designated or deleted from time to time by resolution.

RESIDENTIAL ESTABLISHMENT - any single family or multi-family dwelling having less than four (4) dwelling units per structure from which the Borough of Hollidaysburg collects municipal waste, recyclables and leaf waste.

(Ord. 663, 12/27/1990, §2)

§203. Establishment of Recycling Program; Grant of Power. The Borough of Hollidaysburg hereby establishes a recycling program for the mandatory separation and collection of the designated recyclables as set forth in the guidelines promulgated pursuant to this Part from all residential, commercial and/or institutional establishments in the Borough of Hollidaysburg and/or its designated licensed hauler. Collection of the materials to be recycled shall be made by the Borough of Hollidaysburg and/or its designated licensed haulers. (Ord. 663, 12/27/1990, §3)

§204. Establishment of Collection Guidelines. The Council of the Borough of Hollidaysburg are hereby authorized and empowered to establish guidelines by resolution on the manner, days (which shall not be less than one (1) day per month), and times of collection of recyclable materials, and the bundling, handling, location and time of placement of such materials for collection. (Ord. 663, 12/27/1990, §4)

§205. Separation and Collection.

1. All persons who are residents of the Borough of Hollidaysburg shall separate recyclables and leaf waste specified in the guidelines promulgated pursuant to this Part from municipal waste produced at their homes, apartments and other residential establishments and shall store such material for collection and shall place the same for collection by the Borough of Hollidaysburg and/or its designated licensed haulers at the typical location for collection of municipal waste in accordance with the collection guidelines.

2. An owner, landlord, or agent of an owner or landlord of a multi-family rental housing property with four (4) or more units shall comply with its recycling responsibilities by establishing a collection system for recyclables and leaf wastes as set forth in the guidelines promulgated pursuant to this Part at each property. The collection system must include containers (which shall be approved by the Borough of Hollidaysburg) for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants of said property concerning the use and availability of the collection system. Arrangements shall be made by owner for collection of these materials by the Borough of Hollidaysburg and/or its designated licensed haulers.

3. All persons must separate leaf wastes from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf wastes as approved by the Borough of Hollidaysburg.

4. Persons must separate recyclables and leaf wastes specified in the guidelines promulgated pursuant to this Part generated at commercial, municipal or institutional establishments and from community activities (such as festivals) and store the material until collection. Arrangements shall be made by persons operating commercial, municipal or institutional establishments for collection of these materials by the Borough of Hollidaysburg and/or its designated licensed haulers.

(Ord. 663, 12/27/1990, §5)

§206. Ownership of Recyclable Materials. All recyclables placed by the resident for collection by the Borough of Hollidaysburg and/or its designated licensed hauler pursuant to this Part and the guidelines authorized hereunder, shall, from time of pick-up, become the property of the Borough of Hollidaysburg and/or its designated licensed hauler, except as otherwise provided by §208 of this Part. (Ord. 663, 12/27/1990, §6)

§207. Collection Prohibited. It shall be a violation of this Part, for any person other than the Borough of Hollidaysburg and/or its designated licensed hauler to collect recyclables placed by a resident for collection by the Borough of Hollidaysburg and/or its designated licensed hauler, unless such person has prior written permission to make such collection as set forth in §208 of this Part. Each unauthorized collection in violation hereof from a residence, commercial, municipal and/or institutional establishment shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. 663, 12/27/1990, §7)

§208. Other Means of Recycling. Any person may donate and/or sell recyclables and/or leaf waste to any person, whether operating for profit

or not, provided that the receiving person shall not collect such donated recyclable materials from the collection point of a residence without the prior written permission of the Borough of Hollidaysburg to make such collection. Every person, whether operating for profit or not, collecting recyclables and/or leaf waste, pursuant to this Section, shall be subject to any and all reporting requirements, as to the types and amounts of recyclables and/or leaf waste collected, as set forth in the guidelines promulgated pursuant to this Part. (Ord. 663, 12/27/1990, §8)

§209. Designated Site. The Borough of Hollidaysburg shall designate, by guidelines promulgated pursuant to this Part, a recycling recovery facility to which all recyclable materials collected in the Borough of Hollidaysburg shall be directed. (Ord. 663, 12/27/1990, §9)

§210. Contracts.

1. General Rule. Nothing in this Part shall be construed to interfere with, or in any way modify, the provisions of any contract for recyclable material recovery, processing or collection in force in the Borough of Hollidaysburg upon the effective date of this Part.

2. Renewals. No renewal of any existing contract upon the expiration or termination of the original term thereof, and no new contract for recyclable material recovery, processing or collection shall be entered into after the effective date of this Part, unless such renewal or such new contract shall conform to the applicable guidelines promulgated pursuant to this Part.

3. Renegotiation Option. No contract renewal or new contract for recyclable material recovery, processing or collection shall be entered into unless such contract contains a provision for renegotiation to conform to the guidelines promulgated pursuant to this Part.

(Ord. 663, 12/27/1990, §10)

§211. Annual Report. On or before February 15 of each year, the Secretary of the Borough of Hollidaysburg shall submit a report to the County of Blair which shall describe the weight or volume of materials that were recycled by the municipal recycling program in the preceding calendar year. (Ord. 663, 12/27/1990, §11)

§212. Enforcement/Criminal Penalties. Any person who shall violate the provisions of §205 and/or §208 shall receive an official warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided. Any person, other than a municipal official exercising their official duties, who violates any provision of this Part, any resolution enacted hereunder, any order issued hereunder, or the terms and conditions of any contract awarded in the implementation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars and costs and, in default of payment of such fine and/or costs, to undergo imprisonment for not more than thirty (30) days. The Borough of Hollidaysburg and/or its designated licensed haulers reserves the right not to collect municipal waste containing or

mixed with recyclable materials, or recyclable material containing or mixed with municipal waste, in combination with non-recyclable materials. (Ord. 663, 12/27/1990, §12)

§213. Delineated Existing Recycling Operation. Recycling operations that are in existence on the effective date of this Part may continue their operation so long as they abide by the provisions of this Part and the guidelines promulgated pursuant to this Part. (Ord. 663, 12/27/1990, §13)

§214. Repeal and Severability. All ordinances or parts of ordinances inconsistent with this Part are hereby repealed to the extent of such inconsistency. Should any part of this Part be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction,* such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this Part. It is hereby declared that such parts as are legal would have been enacted independently of the invalid portion and the invalidity of such part been known, and it is the intention of the Borough of Hollidaysburg that such remainder shall be and remain in full force and effect. (Ord. 663, 12/27/1990, §14)

§215. Effective Date. This Part shall take effect and be enforced as of January 1, 1991. (Ord. 663, 12/27/1990, §15)

* Ord. 663 read "present."

