

CHAPTER 20

SOLID WASTES

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Part 1
Solid Waste

§101. Short Title. This Part shall be known and referred to as the "Solid Waste Ordinance." (Ord. 1016, 10/15/1992, §I)

§102. Definitions. The following words and phrases as used in this Part shall have the meaning ascribed herein, unless the content clearly indicates a different meaning:

ACT 97 - the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

ACT 101 - the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (SB528, Act 1988-101, July 1988).

BOROUGH - the Borough of Scottdale, Westmoreland County, Pennsylvania.

BULKY WASTE - large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.

COMMERCIAL ESTABLISHMENT - any establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

COMPOSTING - process by which organic solid waste is biologically decomposed under controlled anaerobic and aerobic conditions to yield a humus like product. This process includes leaf composting which is the composting of vegetative material including leaves, garden residual and chipped shrubbery and tree trimmings and grass clippings. Grass clippings cannot exceed thirty (30) percent of the compost pile volume.

CONTAINER - a portable device in which waste is held for storage or transportation.

COUNTY - the County of Westmoreland or the Westmoreland County Board of County Commissioners.

DEPARTMENT or DER - the Pennsylvania Department of Environmental Resources (DER).

DISPOSAL - the deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DOMESTIC WASTE or HOUSEHOLD WASTE - solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

GARBAGE - any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

HAULER or PRIVATE COLLECTOR - any person, firm, partnership, association or corporation engaged in the collection or transportation of municipal waste.

HAZARDOUS WASTE - any solid waste or combination of solid wastes, as defined in Act 97, which because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or, (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

INDUSTRIAL ESTABLISHMENT - any establishment engaged in manufacturing or processing including, but not limited to, factories, foundaries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT - any establishment engaged in service including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

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

LICENSED HAULER or LICENSED COLLECTOR - any municipal waste hauler or collector possessing a valid and current County license issued by the Westmoreland County Solid Waste Authority pursuant to the County Ordinance No. 2.

MUNICIPAL WASTE - any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated materials.

OCCUPIED DWELLING - a permanent building or fixed mobile home that is currently being used on a regular or temporary basis for human habitation.

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part which prescribe a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROCESSING - any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

RECYCLING - the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanical separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING FACILITY - a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term recycling facility shall not mean transfer stations or landfills for solid waste, nor composting facilities or resource recovery facilities.

REFUSE - all solid waste materials which are discarded as useless.

RESIDUAL WASTE - any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." The term 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, 1937, (P.L. 1987, No. 394) known as the Clean Streams Law.

RESOURCE RECOVERY FACILITY - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product.

RUBBISH - all non-putrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

SALVAGING - the controlled removal or recycling of material from a solid waste processing or disposal facility.

SCAVENGING - the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

SOLID WASTE - any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

SOURCE SEPARATED RECYCLABLE MATERIALS - materials that are separated from municipal waste at the point of origin for the purpose of recycling.

STORAGE - the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION - the off-site removal of any solid waste at any time after generation.

TRANSFER STATION - any supplemental transportation facility used as an adjunct to waste collection route vehicles.

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

(Ord. 1016, 10/15/1992, §II)

§103. Prohibited Activities.

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough, any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with the provisions of this Part and any Department rules and regulations adopted pursuant to Act 97 and Act 101. This shall not prohibit composting on public or private property as defined herein.

2. It shall be unlawful for any person to burn any solid waste, including leaf waste, within the Borough except in accordance with the provisions of this Part and any Department rules and regulations adopted pursuant to Act 97 and Act 101.

3. It shall be unlawful for any person to dispose of any solid waste in the Borough except in accordance with the provisions of this Part and any Department rules and regulations adopted pursuant to Act 97 and Act 101.

4. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Borough without a current, valid County license issued by the Westmoreland County Solid Waste Authority.

5. It shall be unlawful for any person to scavenge any materials from any municipal waste or source separated recyclable materials that are stored or deposited for collection within the Borough without prior written approval by the Borough.

6. It shall be unlawful for any person to salvage or reclaim any solid waste within the Borough except at an approved and permitted resource recovery facility under any Department rules and regulations adopted pursuant to Act 97 and Act 101.

7. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Borough except as provided in this Part.

8. It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for collection, or to discard or dispose any lead acid battery except by delivery to a secondary lead smelter permitted by the U.S. Environmental Protection Agency, or a collection or recycling facility approved by the Department.

(Ord. 1016, 10/15/1992, §III)

§104. Standards for Storage of Solid Waste.

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazardous, odors, unsightliness or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste material therein.

3. Any person storing municipal waste for collection shall comply with the following preparation standards:

A. All municipal waste shall be drained of free liquids before being placed in storage containers.

B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

C. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.

D. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall not be more than four (4) feet in length, not more than two (2) feet in diameter and not more than forty (40) pounds in weight.

E. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than forty (40) pounds in weight.

F. When specified by the Borough or its designated representative, special preparation and storage procedures may be required to facilitate the collection and recycling of certain recyclable materials.

4. All municipal waste shall be stored in containers approved by the Borough or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:

A. Reusable containers shall be constructed of durable, water-tight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weather-proof, insect-proof, and rodent-proof.

B. Reusable containers for individual residences shall have a tight fitting cover and suitable lifting handles to facilitate collection.

C. Reusable containers for individual residences shall have a capacity of not less than ten (10) gallons nor more than forty (40) gallons, and a loaded weight of not more than forty (40) pounds.

D. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

5. Any person storing municipal waste for collection shall comply with the following storage standards:

A. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

B. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottoms or sides of the containers.

C. Containers shall be used and maintained so as to prevent public nuisances.

D. Containers that do not conform to the standards of this Part or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Borough or its designated representative.

E. Containers shall be placed by the owner or customer at a collection point specified by the Borough or its designated representative.

F. With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all times.

G. Bulk waste items such as furniture, automobile parts, machinery, appliances, and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.

6. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Part. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Borough.

7. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Chapter 285, Subchapter A, "Regulations for the Storage of Municipal Waste."

(Ord. 1016, 10/15/1992, §IV)

§105. Standards and Regulations for Collection.

1. The Borough shall provide for the collection of all garbage, rubbish, bulky wastes or any other municipal or residual solid waste from individual residences, multi-family residential sources with less or more than four (4) units, commercial, institutional and industrial establishments through a contract with a private collector or collectors to provide the essential collection service.

2. All persons occupying individual residences, multi-family residential sources with less or more than four (4) units, commercial, institutional and industrial establishments or parts thereof in the Borough shall

utilize and subscribe to the private collector or collectors under contract with the Borough and shall make payments to the collector awarded the contract by the Borough.

3. The Borough shall prepare specifications for bidding of the contract covering the collection, removal and disposal of garbage, rubbish, bulky wastes or any other municipal or residual solid waste and shall advertise for bids, giving such notice as it may deem adequate for the purpose, and reserving to the Borough the right to reject any or all bids. A time and place shall be appointed by the Borough for the submission of such bids and the same shall be opened and tabulated by the Borough. If a satisfactory bid shall be submitted by one deemed by Council to be a responsible bidder, then Council shall award the contract to such bidder. Only that person who is awarded the contract within the Borough shall be permitted to collect within the Borough. Said contract shall at minimum contain and address the following terms:

- A. Exclusive contract.
- B. Term of contract.
- C. Consideration.
- D. Rates and collections.
- E. Spring and fall clean-up.
- F. Billing.
- G. Equipment and labor.
- H. Contractor employees.
- I. Dumping.
- J. Liability/default.
- K. Insurance.
- L. Performance bond and bid bond.
- M. Assignment.
- N. Reservations.
- O. General clauses.

4. Any collector who has been awarded a contract by the Borough pursuant to the terms herein shall pay to the Borough for such privilege a franchise fee. Said franchise fee shall be in an amount established, from time to time, by resolution of Borough Council with terms of payment defined in said resolution.

5. All collectors under this contract with the Borough shall comply, at a minimum, with the following standards and regulations.

A. All municipal waste collected within the Borough shall be conveyed by the collector or hauler to a transfer station, processing facility, and/or disposal site designated by the Westmoreland County Solid Waste Authority pursuant to the approved Municipal Waste Management Plan for Westmoreland County and designated by resolution of the Borough.

B. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and any Department regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B, "Regulations for the Collection and Transportation of Municipal Waste."

C. All collection vehicles conveying domestic or household waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

D. Collection vehicles for rubbish and other non-putrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 1016, 10/15/1992, §V)

§106. Collection and Disposal Charges.

1. The governing body of the Borough shall be authorized to make funds available, in accordance with the laws and procedures of the Borough, for the establishment, maintenance, and operation of a municipal solid waste collection and disposal system; or for the contracting of such service to a private collector.

2. The rate of charges to each household dwelling for the collection and disposal of solid wastes shall be in accordance with the fee schedule approved by the Borough and contained within the contract with the private collector.

3. The rate of charges to commercial, institutional, and industrial establishments for the collection and disposal of solid wastes shall be in accordance with the fee schedule approved by the Borough and contained within the contract with the private collector.

4. Fee schedules shall be published by the Borough based on any competitively bid residential collection service contract that may be awarded by the Borough.

5. The Borough's contracted hauler shall be responsible for the collection of any fees for solid waste collection and disposal services provided to residential, commercial, institutional, or industrial sources within the Borough.

(Ord. 1016, 10/15/1992, §VI)

§107. Licensing Requirements.

1. No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Borough without a current, valid County license issued by the Westmoreland County Solid Waste Authority pursuant to the requirements of County Ordinance No. 2.

2. The Borough's contracted hauler shall be responsible for maintaining a current list of customers serviced and records of the amounts and types of waste collected within the Borough. Such records and customer lists shall be available for inspection and be provided to the Borough or its designated representatives upon request.

(Ord. 1016, 10/15/1992, §VII)

§108. Violation and Enforcement.

1. In the event that any person is found to be in violation of this Part, the Borough may issue a written notice of violation to the alleged violator. This notice shall be in writing and sent by certified mail with return receipt requested. The notice shall state the nature of the violation(s) and the necessary corrective actions required in detail. The person notified shall be provided a reasonable time period (stated in notice) to either correct the violation(s) or appeal.

2. In the event that a hauler licensed by the Borough is found to be in violation of this Part, the Borough may take the following action, at its discretion, depending on the nature of the violation:

A. The Borough may issue a notice of violation to the licensee. This notice shall be in writing and sent by certified mail with return receipt requested to the address the licensee gave in its application to the County. The notice shall state the nature of the alleged violation(s) and the necessary corrective action required. The licensee shall be provided a reasonable time period (stated in notice) to either correct the violation(s) or appeal. If the violation is not corrected or appealed within the specified period, the Borough's license shall automatically be revoked with no right to administrative appeal, and the licensee may be prosecuted under the penalty provisions of this Part.

(Ord. 1016, 10/15/1992, §VIII)

§109. Administrative Appeals.

1. All appeals shall be made in writing to the governing body of the Borough.

2. Pending a reversal or modification, all decisions of the Borough shall remain effective and enforceable.

3. Appeals may be made by the following persons:

A. Any person who is aggrieved by a new standard or regulation issued by the Borough may appeal within ten (10) days after the Borough gives notice of its intention to issue the new standard or regulation.

B. Licensees and non-licensees who have received notices of violation may appeal within the time limit stated in their notice of violation.

4. Any notice of appeal shall be submitted in writing to the Borough by certified mail with return receipt requested. Within thirty (30) days after receipt of the notice of appeal, the Borough shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to

adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(Ord. 1016, 10/15/1992, §IX)

§110. Injunction Powers. The Borough may petition the Court of Common Pleas in Westmoreland County for an injunction, either mandatory or prohibitive, to enforce any provisions of this Part. (Ord. 1016, 10/15/1992, §X)

§111. Penalties. Any person who violates any provision of this Part shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not more than two thousand five hundred (\$2,500.00) dollars, or in default of payment of such fine, then by imprisonment for a period of not more than three hundred sixty-five (365) days, or both. Each day of violation shall be considered a separate and distinct offense. (Ord. 1016, 10/15/1992, §XI)

§112. Conflict. Any ordinances or any part of any ordinance which conflict with this Part are hereby repealed insofar as the same affects this Part. (Ord. 1016, 10/15/1992, §XIII)

Part 2
Recycling

§201. Purpose.

1. The growing problems of solid waste disposal and the conservation of the recyclable materials are important public concerns.

2. The establishment of rules and regulations for the separation, recovery, collection, storing and marketing of said recyclable material will serve the public interest by reducing solid waste and conserving our material resources.

3. The provisions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the general welfare of persons in the Borough of Scottsdale in their disposal of solid waste.

(Ord. 982, 11/14/1988, §1)

§202. Mandatory Recycling.

1. On and after November 14, 1988, for commencement of mandatory curbside recycling, it shall be mandatory for all persons who are owners, lessees and occupants of residential property to separate leaves, aluminum cans, brown paper bags, corrugated paper and newspapers from all other solid waste produced by such residence for collection and ultimate recycling of said materials.

2. On and after November 14, 1989, it shall be mandatory for all owners, lessees and occupants of business and industrial property and of private/public governmental institutions and buildings to separate leaves, aluminum, corrugated paper and high grade office paper from all other solid waste produced by such non-residential establishments for collection and the ultimate recycling of such material.

3. In the future, Borough Council reserves the right to add one (1) or more of the following recyclable materials:

- A. Clear glass.
- B. Colored glass.
- C. Steel and bi-metallic cans.
- D. Plastic.
- E. Grass clippings.
- F. Any other specified recyclable material.

4. Once identified and made known to the public (as provided below), it shall be mandatory for all persons, partnerships or corporations, who are owners, lessees and occupants of residential, and/or business and industrial property, and private/public governmental institutions or buildings, to separate one (1) or more of the above-referenced recyclable materials from all other solid waste produced by such residential or non-residential establishments for curbside collection and ultimate recycling

of such material. In such instances, however, the Borough shall publicly and personally notify all persons occupying residential, commercial, institutional, municipal or other governmental premises at least ninety (90) days prior to implementing any new requirements imposed by this Part or any amendments thereto.

(Ord. 982, 11/14/1988, §II)

§203. Definitions.

ALUMINUM - includes aluminum cans and all disposable items made of aluminum, including aluminum containers used for soda, beer or other beverages, foil, wrappers, containers for prepared food, screen frames and lawn chairs.

CORRUGATED PAPER - includes cardboard of the type used to make cardboard boxes, cartons and similar corrugated and draft paper material.

GLASS - includes glass bottles and jars and all products made from silica or sand, soda ash and limestone; the product being transparent or translucent and being used for packaging or bottling of various matters excluding, however, blue or flat glass commonly known as window glass.

HIGH GRADE OFFICE PAPER - includes white and/or off-white stationary, photocopy and computer paper.

SOLID WASTE - all garbage and rubbish normally produced by the occupants of commercial, industrial and residential property and disposed of by private or public pickup.

TIN AND BI-METAL CANS - includes all cans made of tin and steel, but not aluminum products.

(Ord. 982, 11/14/1988, §III)

§204. Rules and Regulations. Borough Council shall establish and promulgate reasonable rules and regulations as to the manner, days and times for collection, sorting, transportation, sale and marketing of recyclable material in order to encourage the preservation of material resources while minimizing the cost of the recycling program to the Borough of Scottsdale. The rules and regulations provided for hereunder shall be adopted by resolution of the Borough Council; copies shall be maintained in the office of the Borough Manager and be available for inspection or purchase. (Ord. 982, 11/14/1988, §IV)

§205. Collection by Authorized Persons. The Borough Council may elect to enter into agreements with any person, partnership, corporation, or municipality authorizing them to collect recyclable material at curbside or from a drop off center and to sell said recyclable material. (Ord. 982, 11/14/1988, §V)

§206. Collection by Unauthorized Persons Prohibited. Recyclable material as defined herein shall be the property of the Borough of Scottsdale to pick up or cause to be picked up, recyclable material as defined herein. Each such collection in violation hereof shall constitute a separate and distinct offense or violation punishable as hereinafter provided. (Ord. 982, 11/14/1988, §VI)

§207. Direct Disposal of Recyclable Material by Resident. Anything herein to the contrary notwithstanding any person, partnership or corporation who is owner, lessee or occupant of a residential or non-residential property, may donate or sell said recyclable material as defined herein, to any person, partnership or corporation whether or not operating for profit. Said person, partnership or corporation, however, shall not pick said recyclable materials at curbside or at a municipal drop-off center. (Ord. 982, 11/14/1988, §VII)

§208. Violations and Penalties.

1. For the first violation, the fine imposed shall be twenty-five (\$25.00) dollars. For subsequent violations, the penalty provisions as hereinafter set forth shall apply, but in no case shall the penalty be less than twenty-five (\$25.00) dollars.

2. Any person, firm or corporation who violates (or neglects to comply) with any provision of this Part or any rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof, by a fine not to exceed one hundred (\$100.00) dollars.

(Ord. 982, 11/14/1988, §VIII)

