

## Chapter 120

### GARBAGE, RUBBISH AND REFUSE

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[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Littering in parks — See Ch. 145.

Property maintenance — See Ch. 154.

#### ARTICLE I Refuse Collection

[Adopted 2-16-1959 by Ord. No. 534, approved 2-16-1959]

#### § 120-1. Title.

This article shall be known and may be cited as the "Borough Refuse Collection Ordinance."

**§ 120-2. Definitions.**

For the purposes of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

**ABANDONED OR JUNKED MOTOR VEHICLES** — A motor vehicle not bearing a currently valid motor vehicle registration and which is not capable of operation without mechanical repair, adjustment or replacement of a part or parts. **[Added 3-11-1968 by Ord. No. 750, approved 3-14-1968]**

**ASHES** — Residue from the burning of wood, coal, coke or other combustible material.

**BOROUGH** — The Borough of Camp Hill, Cumberland County, Pennsylvania, the Borough Manager and the Borough Council of Camp Hill.

**BOROUGH COLLECTOR** — That individual, partnership, firm, corporation or business entity designated by the Borough Council by means of an independent contract as the person having the exclusive right to collect refuse within the Borough, but shall not be construed as meaning that said person is an employee, official or representative of the Borough of Camp Hill.

**COLLECTOR** — A person engaged in the collection of garbage, rubbish and ashes in Camp Hill.

**COMMERCIAL** — The use of premises other than as a dwelling.

**DWELLING** — A building used for residential purposes, except hotels, boarding- and lodging houses, tourist cabins, motels and trailers.

**DWELLING UNIT** — One or more rooms in a dwelling, which room or rooms have fixed cooking facilities, arranged for occupancy by one person, two or more persons living together or one family.

**GARBAGE** — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**MANAGER or BOROUGH MANAGER** — The Manager of the Borough of Camp Hill.

**PERSON** — Any person, firm, partnership, association, corporation, company or organization of any kind.

**REFUSE** — All putrescible and nonputrescible solid wastes, excluding body wastes, including garbage, rubbish, ashes, solid industrial waste, dead animals and street cleanings.

**RUBBISH** — Nonputrescible solid waste, excluding ashes, consisting of combustible and noncombustible wastes, such as paper, tin cans, cardboard, loose brush, yard clippings, glass, crockery, cloth and similar materials.

**§ 120-3. Authorization for collectors.**

- A. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough, to collect and haul refuse of any nature within or from the Borough for a person other than himself. Authorization to collect and dispose of refuse for persons other than oneself shall be accomplished by obtaining a license from the Borough, which license shall be issued only in those instances as hereinafter set forth.
- B. The Borough Council shall, by its own resolution, designate one person as the Borough collector for the ensuing fiscal year. Said Borough collector shall have the exclusive right and obligation to collect and haul refuse within the Borough, except as follows:
- (1) Those persons, including commercial establishments, who elect to personally dispose of their refuse, in which case no license is required. The hiring of any person other than an employee to dispose of one's refuse shall not be considered personal disposal within the meaning of this provision.
  - (2) Those business or commercial establishments whose collection requirements are such, in the opinion of the Borough Manager or his duly designated agent, as will cause undue hardship on the commercial establishment or where the Borough collector is not able to serve adequately the collection requirements of a business or commercial establishment. In such case, the Borough Manager or his duly designated agent may issue a license to said business or commercial establishment, which license shall designate the person who may haul refuse from the named commercial establishment only.
  - (3) Licenses to collectors shall be issued to only those persons who can provide satisfactory evidence that they have the necessary sanitary closed truck with which to collect, and said license shall authorize collection by use of a sanitary closed truck only. Said license shall be issued at a cost of \$1 and shall expire on the 31st of December of each year and shall be revocable at any time by the Borough Council.
- C. The collection and disposal of refuse in the Borough shall be under the supervision of the Board of Health, subject to the supervision of the Health and Sanitation Committee of the Borough Council. The Board of Health is hereby vested with the power to make regulations in conformance with the purposes of this chapter and not contrary thereto, but any regulations promulgated by said Board of Health shall be effective only upon approval of the Borough Council and only after being published in a newspaper of general circulation within the Borough.
- D. Collection practices. No collector, including commercial or residential, shall make collections of solid waste except between the hours of 6:00 a.m. and 6:00 p.m., prevailing time; provided, however, that this time limitation shall not prevent the collection of material on an emergency basis during other hours when necessitated by natural catastrophe or other conditions beyond the control of the collector. The extension of the emergency hours shall at all times be subject to approval by the Borough Manager. **[Added 10-10-2001 by Ord. No. 997, approved 10-11-2001]**

**§ 120-4. Precollection requirements; containers.**

## A. Preparation of refuse.

- (1) All garbage shall be drained of liquid and wrapped in paper before being placed in the container.
- (2) Tree trimmings, hedge clippings and similar rubbish shall be cut in lengths not exceeding six feet and shall be securely tied in bundles before being deposited for collection. Christmas trees shall be cut in lengths not exceeding six feet in length before being deposited for collection.
- (3) Newspapers, magazines and other printed matter not placed in containers shall be securely tied in bundles not exceeding 40 pounds in weight.

## B. Containers.

- (1) All garbage and all other refuse, when possible, shall be placed in containers.
- (2) Containers shall be of metal and shall not exceed 32 gallons in capacity and shall be of such size as can be handled easily by one man. The maximum weight of a filled container shall not exceed 40 pounds.
- (3) Containers containing garbage shall be covered with a lid which fits securely and prevents access to flies.
- (4) All containers shall be kept in a sanitary condition and shall be kept in good condition. Any container that does not conform to this chapter or that is likely to injure the collector or his employees or hampers the prompt collection of refuse shall be replaced upon notice. Failure to replace said defective container may result in the loss of refuse collection until such time as the container is replaced.

## C. Accumulation of refuse.

- (1) No person shall place any refuse upon any street, alley, walk or other public place or upon any private property, except in proper receptacles for collection, or where the refuse is of such size and shape as not to permit its being placed in containers.
- (2) No person shall deposit refuse in any stream or body of water. In no event shall refuse be placed on the property of another without the consent of the owner.
- (3) No person, except the occupants of the property on which the container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.
- (4) Refuse of a highly flammable or explosive nature or highly infectious or contagious refuse shall not be stored for ordinary collection but shall be disposed of in accordance with the directions of the Board of Health.

## D. Location of containers. Containers should be placed, wherever possible, at ground level at a point within 80 feet of the nearest street or alley from which collection from a

vehicle can be made. Failure to place containers at such a location will result in an additional charge for collection.

E. Container use.

- (1) All persons within the Borough shall dispose of all waste they generate by placement of the waste and containers only on their own property. It shall be unlawful for a person to place their waste for disposal and/or collection on another person's property for collection/disposal. **[Added 11-8-2000 by Ord. No. 990, approved 11-14-2000]**

F. Dumpsters/tote requirement for five or more residential units. **[Added 11-8-2000 by Ord. No. 990, approved 11-14-2000]**

- (1) All buildings containing five or more residential units under single ownership or management shall, from the date of the enactment of this subsection, have in place and use for trash collection a dumpster (or dumpsters) adequate in size for the garbage produced by the residential units and compatible in design for use with the Borough's authorized collector's equipment. Dumpsters may include totes of any size, including ninety-gallon capacity. The Borough Manager or his/her designee shall determine whether a dumpster or tote shall be used for all buildings containing five or more residential units. In determining whether a dumpster or tote must be used, the Borough Manager or his/her designee may consider the proximity to nearest residential home/building, and the ability of collection vehicles to access dumpster and/or totes.
- (2) The owner and/or manager of the residential unit shall be responsible for ensuring that any garbage or refuse produced by the units is placed in the dumpster or tote for collection. No garbage or refuse may be placed on the grounds of the building outside of the dumpster.
- (3) The Borough Manager may, in his or her sole discretion, upon good cause shown, waive the requirements of this section of this article. "Good cause" shall be shown only by physical impossibility or impracticality or danger to the public health, safety or welfare. "Good cause" does not include financial hardship. If the Borough Manager waives the dumpster requirements, the owner of the property in question must construct and maintain an adequate enclosure to prevent trash from being scattered.
- (4) No building containing five or more residential units under single ownership or management shall be constructed or created unless adequate provisions are made for satisfaction of the dumpster requirement.
- (5) All questions, disputes or issues with regard to the size, placement or compatibility of the dumpsters, as well as the adequacy of the enclosure, shall be decided by the Borough Manager or his/her designee.

**§ 120-5. Manner of collection; charges.**

- A. Refuse collection by the Borough collector will be made at least once a week, except where conditions beyond the control of the collector prevent collection. Individuals and businesses disposing of their own refuse shall provide for collection at intervals short enough to prevent unsafe, unsightly or unsanitary accumulations of refuse.
- B. The Borough collector will not collect refuse in excess of that contained in four containers of the authorized size unless an additional charge has been agreed upon.
- C. Charges for collection by the Borough collector shall be at a uniform rate, except as noted herein, fixed by the collector, subject to the approval of the Borough Council.
  - (1) Individual adjustments between the Borough collector and individuals or businesses arising from circumstances authorizing an additional charge to be made shall, in the event of disagreement, be arbitrated conclusively by the Borough Manager or his duly designated agent.
  - (2) Charges shall be paid to the Borough collector promptly after a request for payment is made. Failure to pay the collection fee after the bill becomes due and a demand is made will result in a loss of the collection service.

**§ 120-6. Dumping or storage. [Amended 3-11-1968 by Ord. No. 750, approved 3-14-1968]**

On and after the passage of this chapter, it shall be unlawful at any place within the confines of the Borough of Camp Hill to dump or deposit, except for collection, garbage, ashes, rubbish or refuse of any nature or to store or permit to be stored any abandoned or junked motor vehicle outside of a completely enclosed building or garage.

**§ 120-7. Violations and penalties. [Amended 3-11-1968 by Ord. No. 750, approved 3-14-1968]**

- A. Any person violating any of the provisions of this article shall, upon conviction therefor, be sentenced to pay a fine of not less than \$10 nor more than \$300 and costs of prosecution and, in default thereof, to suffer imprisonment for not more than 30 days. A separate offense shall be deemed committed on each day on which a violation of this article continues. **[Amended 12-9-1987 by Ord. No. 891, approved 12-9-1987]**
- B. In addition to the foregoing penalty, the Borough may require the owner or occupier of the property to remove any accumulation of refuse or abandoned or junked vehicle, and should said person fail to remove the same within 10 days of written notice, the Borough may cause the same to be done and collect the costs thereof, together with a penalty of 10% of such costs in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by bill in equity.

## ARTICLE II

**Recycling**

**[Adopted 11-9-1988 by Ord. No. 898, approved 11-9-1988; amended in its entirety 12-12-1990 by Ord. No. 909, approved 12-12-1990]**

**§ 120-8. Program established.**

There is hereby established a program for the mandatory separation and collection of newsprint, glass, metal, bimetal, aluminum cans, plastics and leaf waste.

**§ 120-9. Definitions.**

As used in this article, the following definitions shall apply:

**COLLECTOR** — A person or entity authorized by the Borough to collect, transport and dispose of municipal waste or recyclable materials.

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

**CONDOMINIUM** — An apartment building or building area in which the dwelling units are owned individually.

**DESIGNATED RECYCLABLE MATERIALS** — Those recyclable materials specified by the Borough Council of the Borough of Camp Hill to be separated from municipal waste for the purpose of recycling in accordance with this article. Such materials may include but are not limited to aluminum cans, ferrous and bimetal cans, glass containers, newspapers, magazines and periodicals, plastic containers, corrugated cardboard, office paper, white goods and leaf wastes.

**DWELLING UNIT** — A group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

**GLASS** — 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 matter and all other material commonly known as "glass," excluding, however, blue glass and flat glass commonly known as "window glass."

**INDUSTRIAL ESTABLISHMENT** — Any establishment engaged in manufacturing or processing but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

**INSTITUTIONAL ESTABLISHMENT** — Any establishment engaged in services, including but not limited to hospitals, nursing homes, orphanages, schools, and universities.

**METAL AND ALUMINUM CANS** — Includes all disposable, recyclable containers fabricated primarily of aluminum, ferrous metal or bimetal and commonly used for beverages, fruits, vegetables and other liquid or dry matter.

**MULTIFAMILY DWELLING** — Any building under one roof which contains five or more complete dwelling units.

**MUNICIPAL ESTABLISHMENT** — Any facility or building owned or operated by a local government or county government, local government or county government authority, state government or agency or federal government or agency.

**NEWSPRINT** — Includes recyclable paper of the type commonly known as "newspaper," but excluding therefrom periodicals, magazines and chemically coated paper.

**PERSON** — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

**PLASTICS** — Includes plastic bottles by the following resin types:

- A. Polyethelene terephthalate (PETE), symbolized at the bottom of the bottle by the code symbol number "1" in a triangle with the letters PETE below it, commonly used for medium and large-sized carbonated beverages and laundry detergent.
- B. High-density polyethelene (HDPE), symbolized at the bottom of the bottle by the code symbol number "2" in a triangle with the letters HDPE embossed below it, commonly used for milk and milk products.
- C. Such other plastics as may become acceptable for recycling.

**RESIDENT** — A person who either owns an interest in or occupies real property situate in the Borough of Camp Hill.

**SOLID WASTE** — Includes nonrecyclable materials or substances discharged or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage and other highly dilated water-carried materials or substances and those in gaseous form. Such wastes shall include but are not limited to garbage, sludge, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal, agricultural waste, including tree trimmings and hedge clippings, and solid industrial and commercial waste.

**§ 120-10. Manner of placing materials for collection.**

- A. Residential property.
  - (1) Each resident, owner and occupier of residential property shall place for disposal, removal or collection newsprint, glass, metal and aluminum cans and/or plastic and leaf waste in strict conformity with the following regulations:
    - (a) Newsprint shall be bundled separately and secured in bundles not to exceed 50 pounds and shall not be contained in plastic bags.
    - (b) Glass shall be clean with contents removed and with caps removed. All glass shall be placed in a container for only glass, said container which when full shall not exceed 50 pounds.

- (c) Metal, bimetal and aluminum cans shall be clean with contents removed and shall be placed in a container for only metal, bimetals and aluminum, said container which when full shall not exceed 50 pounds.
  - (d) Plastics shall be clean with contents removed and shall be placed in a container for only plastics, said container which when full shall not exceed 50 pounds.
  - (e) Alternatively, the Borough Manager may, with the concurrence of the collector, permit products herein defined as glass and metal and aluminum cans and/or plastics to be placed in the same container. Public notice of the manner of separation and schedule of collection shall be given.
  - (f) Each container of recyclable materials shall be clearly marked by affixing thereto an appropriate decal or other clear marking approved by the Borough Manager. Recyclable metal and glass shall not be placed in plastic bags or other disposable bags or containers made of a polyethelene or other similar base.
  - (g) All other solid waste shall be prepared for collection separate from newsprint, glass, metal and aluminum containers and plastics.
  - (h) Leaf waste shall be placed adjacent to the curb and on the street surface. Collection by the Borough shall be according to a schedule approved by the Borough Manager.
- (2) The collection of solid waste, except leaf waste, shall take place at least weekly, and collection of recyclables at least monthly, but always on the same day scheduled for solid waste collection, in accordance with a schedule approved by the Borough Manager.
  - (3) Ownership of recyclables set out for collection shall thereupon vest in the Borough of Camp Hill. It shall be unlawful for a person or entity to collect, remove or dispose of recyclables which are the property of the Borough of Camp Hill without first having obtained an appropriate permit. Each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense.
- B. Commercial, institutional, municipal or industrial establishments and multifamily dwellings.
- (1) All commercial, institutional, municipal or industrial establishments and multifamily dwellings which are not included in Subsection A above shall be required to source-separate and place for disposal all specific designated recyclable materials generated on the premises and shall arrange for the collection for recycling of said materials.
  - (2) All entities referred to in Subsection B(1) shall be required to place for disposal, removal or collection all refuse set forth in Subsection A above, in the manner and methods described therein.

- (3) In addition to the refuse required to be placed for disposal according to Subsection A, the establishments and dwellings set forth in Subsection B(1) shall be required to source-separate and place for disposal in order to be recycled:
  - (a) High-grade office paper.
  - (b) Corrugated cardboard.
- (4) The owner/operator of each commercial, institutional, municipal, industrial and licensed food service establishment and multifamily dwelling unit shall submit annually to the Borough evidence of a current agreement/contract with a licensed collector.

**§ 120-11. Collection license required.**

- A. All licensed trash haulers and persons who as a commercial enterprise provide as a service the collection of designated recyclable materials to owners/operators of commercial, institutional, municipal, residential and licensed food service establishments and multifamily dwelling units shall be duly authorized to function within the Borough boundaries by the issuance of a license by the Borough Manager of the Borough of Camp Hill or his/her designee.
- B. All applicants for licensing shall be reviewed by the Borough Manager of the Borough of Camp Hill and shall be approved in accordance with the following:
  - (1) Designated recyclable materials collection licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this article. The Borough reserves the right to disapprove any application for license for just cause. The license year shall run from July 1 to June 30.
  - (2) Every applicant, before being granted a designated recyclable materials collection license, shall pay an annual license fee in the amount of \$20.
- C. Applicability of regulations. The designated recyclable materials collection licensee or any person or persons engaged in the collection, processing and marketing of designated recyclable materials and all householders, firms, corporations, copartnerships and any and all persons who may or do produce designated recyclable materials shall at all times be subject to any and all ordinances which may from time to time be enacted by the Borough of Camp Hill as needed to be consistent with the rules and regulations of Act 101.<sup>1</sup>
- D. Each designated recyclable materials collection licensee who shall collect, remove, haul or convey any recyclable materials within the Borough of Camp Hill shall submit a report to the Borough Manager of the Borough of Camp Hill on or before June 30 of each year. This report shall include the type and quantity of recyclable materials collected during the preceding calendar year on forms provided by the Borough. All

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1. Editor's Note: See 53 P.S. § 4000.101 et seq.

licensees are required to submit all receipts and records of the type and quantity of recyclable materials collected within the Borough of Camp Hill along with the report.

- E. If a licensee fails to make the report as required in this section or if the report is made and shows noncompliance with the requirements of this article, its license, at the option of the Borough Manager, may be revoked.

**§ 120-12. Contracts.**

- A. Nothing in this article shall be construed to interfere with or in any way modify the provisions of any contract for municipal waste disposal or collection in force in the Borough of Camp Hill upon the effective date of this article.
- B. No renewal of any existing contract upon the expiration or termination of the original term thereof and no new contract for municipal waste disposal or collection shall be entered into after the effective date of this article if such renewal or such new contract fails to conform to the applicable provisions of this article.

**§ 120-13. Violations and penalties.**

- A. Any person or entity who violates or neglects to comply with § 120-10A(1)(a) through (h), B(1) through (3) or § 120-11A through D of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$50 for the first offense, \$75 for the second offense and \$100 for the third and each succeeding offense.
- B. Any person or entity who violates § 120-10A(2) of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$500.

**§ 120-14. Effective date; enforcement.**

- A. Section 120-12 of this article shall take effect immediately. Sections 120-8 through 120-11 and §§ 120-13 and 120-14 of this article shall take effect February 1, 1991.
- B. The Borough Manager of the Borough of Camp Hill is hereby authorized and directed to do all matters and things required to be done for the proper carrying out of the purposes of this article.

ARTICLE III  
Collection Charges

[Adopted 5-9-1990 by Ord. No. 906,<sup>2</sup> approved 5-9-1990]

**§ 120-15. Fees.**

The fees for the collection and disposal of refuse from residential properties shall be in accordance with contract(s) from time to time adopted by resolution by this Council.

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2. Editor's Note: This ordinance also provided that it shall take effect July 1, 1990.

**§ 120-16. Billing.**

All billing for charges under this article shall be prepared in the name of the owner of the premises for which the collection and disposal charges are being made, and the charge is hereby imposed upon such owner. The tax rolls in the office of the Secretary shall be prima facie evidence of the owner of property in the Borough and the burden of proving that such registry is in error shall be upon the person asserting the same. The charges provided herein shall be billed quarterly in advance to the owner of the property involved. Charges shall be due and payable on the first day of each calendar quarter. The failure of an owner to receive a bill for charges required to be paid by this article shall not excuse the owner from the payment of charges on the due date.

**§ 120-17. Late payments; interest.**

If charges are not paid within 30 calendar days after each due date, an additional sum of 10% as a penalty, together with the costs of collection of charges as an additional penalty, shall be added to such charge. The charge, as increased by the penalties, shall bear interest at the rate of 1% per month until paid.

**§ 120-18. Cost of collection; responsibility of collector.**

The cost of such collection shall be borne by the resident(s). The collector shall be responsible for collecting all charges directly from the resident(s).

**§ 120-19. Cost of collection to become lien.**

Charges imposed for such collection shall be a lien on the properties serviced from the date the charge first became due and payable. In addition to all other rights of the Borough, if such charges are not paid, the Borough may file such liens and collect the same in the manner provided by law for the filing and collecting of municipal liens and claims and may proceed to collect such charges by an action in assumpsit in the name of the Borough against the owner of the property charged.

**§ 120-20. Exoneration for vacant dwellings.**

Any dwelling unit which is totally unoccupied and which generates no refuse for an entire quarter shall be exonerated from the charges herein levied. Such exoneration shall be made only after the owner(s) has filed an affidavit certifying to such vacancy on a form provided by the Borough. No such exoneration shall be made on the basis of vacancies of less than or other than the full quarter. For purposes of this section, a "quarter" shall be defined as any one of the following three-month calendar periods: January, February and March; April, May and June; July, August and September; or October, November and December.

**§ 120-21. Violations and penalties.**

A. Whoever violates any provision of this article or any order, requirement, rule or regulation of the Borough Council issued hereunder shall, upon conviction thereof, be

fined not less than \$25 nor more than \$300 and the costs of court proceedings and, in default of payment thereof, shall be imprisoned for not more than 30 days.

- B. Each day a person continues to violate the provisions of this article or fails to comply with any order of the Borough Council or rule or regulation issued hereunder shall constitute a separate offense.
- C. The penalties herein provided shall be exclusive of and in addition to penalties from time to time provided by the recycling ordinance(s) of the Borough.

**§ 120-22. Enforcement.**

The Borough Manager of the Borough of Camp Hill is hereby authorized and directed to do all matters and things required to be done for the proper carrying out of the purposes of this article.

