

AN ORDINANCE NO. 3 of 1975

AN ORDINANCE RELATING TO SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COLLECTION AND DISPOSAL SERVICE FOR ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED IN THE BOROUGH, PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF, AND REPEALING ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF DUPONT AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME:

Section 1. Definitions:-

That the following words when used in this Ordinance shall have the meanings ascribed to them in this Section, except those instances where the context clearly indicates otherwise:

a. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food-processing wastes from canneries, packing plants, or similar industries, nor large quantities of condemned food products.

b. "Ashes" means the residue from the burning of wood, coal, coke, and other combustible materials for the purposes of heating and cooking. It shall not include the cinders produced in steam generating plants.

c. "Rubbish" means all waste materials not included in garbage and ashes except building rubbish from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles or such other waste materials as are not commonly produced in homes, stores and institutions.

d. "Refuse" means garbage, ashes and rubbish as defined.

e. "Person" means a natural person, firm, co-partnership, association or corporation.

Section 2. Administration:-

a. All refuse accumulated in the Borough shall be collected, conveyed and disposed of by the Borough and the cost of such service shall be paid as provided in the Schedule of Rates set forth in Section 5 hereof by the person producing the refuse or the person responsible for the existence or disposal thereof or the person by whom such refuse is removed. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough or dispose of, any refuse accumulated in the Borough, however, that this Ordinance shall not prohibit the producers of refuse, or the owners of the premises upon which such refuse has accumulated, from personally collecting, conveying and disposing of such refuse, if such producers or owners comply with all Regulations for collection, conveyance and disposal prescribed in this Ordinance, or made by Council under Section 5 hereof and provided further that collectors of refuse on the side of the Borough shall have the right to haul such refuse over Borough streets, if such collectors comply with the provisions of this Section as to their equipment and vehicle and the operation of such equipment and vehicles and also as to the disposal of such refuse.

b. The collection and disposal of refuse in the Borough of Dupont shall be under the supervision of the Borough Council. They shall have authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection and disposal of refuse.

they may deem advisable, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof. An aggrieved person shall have the right to appeal against any regulation made by the Council of Dupont which may confirm, modify or revoke any such regulation.

c. The producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, and persons who desire to dispose of waste material not included in the definition of refuse, and collectors of refuse from outside of the Borough who desire to haul over the streets of the Borough, shall use a water tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. Such disposal shall be made outside the Borough limits, unless expressly authorized by Borough Council. The Borough Council shall have the authority to permit disposal of such material to the landfill provided the charge as provided in the Schedule of Fees hereinafter set forth is paid. The Borough Council shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling over Borough streets by collectors of refuse from outside of the Borough as they may deem necessary, subject to the right of appeal as set forth in sub-section (b) hereof.

d. Ownership of refuse material set out for collection shall be vested in the Borough; the ownership of all material placed on the dump be vested in the owner of the dump premises.

Section 3. Pre-Collection Practices

a. Separation of Refuse. Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

b. Preparation of Refuse

1. All garbage before being placed in garbage collection shall have drained from it all free liquid wrapped in paper.

2. All rubbish shall be drained of liquid before deposited for collection.

3. All cans and bottles which have contained liquid shall be thoroughly rinsed and drained before being deposited for collection.

4. Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four feet and tied in bundles not more than two feet thick before deposited for collection.

c. Refuse Containers.

1. a. Garbage receptacles shall be made of metal or water tight, and be provided with a tight fitting cover.

b. No person shall use for the reception of refuse a receptacle having the capacity of more than twenty gallons.

c. All garbage receptacles shall be kept as clean as possible in view of the use to which they are put and be thoroughly cleansed by the occupant after garbage is removed by the collector.

2. Ash receptacles shall be of metal and shall have a capacity of not more than twenty gallons.

3. Rubbish receptacles shall be of a suitable size and shall be easily handled by one man.

4. a. All refuse shall be provided by the lessee or occupant of the premises.

b. All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the requirements of this ordinance or that may have ragged or sharp edges shall be replaced.

other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. Failure to comply may result in refusal to collect or the removal of the defective receptacle as refuse.

d. Storing of refuse.

1 No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the Borough except it be in proper receptacles for collection or under an express approval granted by the Borough Council. No person shall throw or deposit any refuse in any stream or other body of water.

2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulations of refuse within thirty days after the effective date of this ordinance shall be deemed a violation of this ordinance.

3. It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored or the collector, to remove the covers of any of the contents of refuse receptacles.

e. Points of Collection

Refuse receptacles shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley and accessible to and not more than ten (10) feet from the side of the street or alley from which collection is made.

Section f. Collection practices

a. Frequency of Collection.

1. Refuse will be collected at least once each week.
2. Hotels, restaurants and such other businesses and institutions as deem it necessary may enter into an agreement

for a greater frequency of collection. Where ne
tect the public health, the Borough Council may
more frequent collections be made.

b. Limitation of Quantity.

1. It is the intent of the ordinance that
accumulation of refuse of each family for the co
will be collected for the standard charge. The
may refuse to collect unreasonable amounts or to
additional charge for such amounts.

2. It is the intent of this ordinance that
ants, hotels, apartments, and other businesses a
shall have their reasonable accumulations of refu
collection period, collected at a fair charge ba
average weight or volume. The Borough Council m
collect unreasonable amounts or fo make an addit
for such amounts.

c. Special Refuse Problems.

1. Contagious Disease Refuse. The removal
apparel, bedding or other refuse from homes or ot
highly infectious or contagious diseases have pr
performed under the supervision and direction of
Officer. Such refuse shall not be placed in con
regular collections.

2. Inflammable or Explosive Refuse. Highl
explosive materials shall not be placed in conta
collections but shall be disposed of as directed
Council at the expense of the owner or possessor

Section 5. Fees.

(a) The fees for the collection and disposa
placed for collection at ground level and not mo
feet distance from the side of the streets or al

AMENDED
IN 1981
TO 20.00
AND COMMERCIAL
AND BUSINESS
FEES SET.

AMENDED TO
40.00 IN 1984
BORO ORD.

AMENDED TO
75 IN 1988
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collection is made shall be as follows:

(1) For single-family or two-family or more houses,
Fifteen * (\$15.00) Dollars per year per family for garbage, rubbish
and ashes.

(b) All fees shall be considered delinquent if not paid
within thirty (30) days from the date of the mailing of the
bill therefor. All delinquent accounts shall be subject to dis-
continuance of service without notice. The Borough Council
shall discontinue all refuse collection service to all delinquent
accounts, unless Borough Council specifically directs otherwise.
Service shall be resumed thereafter only on payment of the
accumulated fees for the period of collection and the period of
non-collection plus One (\$1.00) Dollar, unless Borough Council
specifically directs otherwise. The stoppage of service herein-
before authorized for non-payment of collection charges shall
be in addition to the right of the Borough to proceed for collec-
tion of such unpaid charges by an action in assumpsit or, at the
election of the Borough, in any other manner provided by law
for the collection of municipal claims.

(c) All persons, whose garbage, rubbish or ashes are not
being collected by the Borough under the terms of this Ordinance
shall furnish the Borough Council immediately upon their request,
a statement of the method and means of disposal of their garbage,
rubbish or ashes and furnish such other information relating
thereto as shall be required on the form to be provided by the
Borough Council for that purpose.

Section 6. Penalties.

Any person, whether as principal, agent, or employee,
violating or assisting in the violation of any of the provisions
of this Ordinance or of any Regulation made by Council under

the provisions hereof shall, upon conviction there
Mayor or before any Alderman or Justice of the Peace
of not less than Five Dollars (\$5.00) and not more
five Dollars (\$25.00) and in default of the payment
and costs of prosecution shall be imprisoned in the
up for a period of not more than five (5) days. For
each day's neglect to comply with the provisions of
any Ordinance or any Regulation shall be deemed separate
subject in all respects to the same penalty as the
and separate proceedings may be instituted and penalties
imposed for each day's offense after the first conviction.

Section 7. Intention of Council

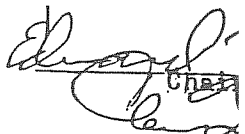
It is the intention of Council that each separate
of this ordinance shall be independent of all other
herein and it is further the intention of Council
the provisions of this Ordinance be declared to be
of the other provisions hereof shall remain valid.

Section 8. Repeal.

All ordinances or parts of ordinances inconsistent
be and the same are hereby repealed.

Duly enacted and ordained as an Ordinance of the
Dupont, Luzerne County, Pennsylvania, this 11th day
1975.

By:


Council

Attest:

Secretary