

ORDINANCE 9204 OF 1992

AN ORDINANCE RELATING TO THE REGULATION OF CERTAIN MATTERS PERTAINING TO THE PROMOTION OF PUBLIC HEALTH AND SANITATION; PROVIDING FOR THE STORAGE AND DISPOSAL OF SCRAP, REFUSE AND JUNK ARTICLES; PROVIDING FOR THE ABATEMENT OF NUISANCES; PROVIDING FOR THE PROHIBITION OF ACCUMULATION OR DUMPING OF GARBAGE OR REFUSE IN THE BOROUGH; PROVIDING FOR THE REQUIREMENT THAT GRASS, WEEDS AND OTHER VEGETATION BE CUT, TRIMMED AND REMOVED; PROVIDING FOR THE ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HERewith

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

Section I. SHORT TITLE

This ordinance shall be known and may be cited as the DUPONT BOROUGH HEALTH AND SANITATION ORDINANCE.

Section II. DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings hereto indicated.

- (a) "Person" shall include any natural individual, firm, association, partnership or corporation.
- (b) "Borough" shall mean DUPONT BOROUGH, Luzerne County, Pennsylvania.
- (c) "Scrap, Refuse and Junk Articles" shall mean any discarded material or article and shall include, but not limited to, scrap metal, machinery, ice boxes, freezers, dryers, washing machines, stoves, household appliances, equipment, paper, glass, containers, rags, used heating and plumbing supplies or materials, used lumber, scrapped, abandoned or junked motor vehicles, or unlicensed motor vehicles. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal by the Borough garbage collection system.
- (d) "Nuisance" shall mean the unreasonable, unwarrantable or unlawful use of property which causes injury, damage or annoyance to any person in the legitimate enjoyment of such person's reasonable rights of person or property.

Section III. MAINTENANCE OF NUISANCE PROHIBITED

It shall be unlawful for any person to maintain or permit to be maintained a nuisance on any property owned or occupied by such person within the limits of the Borough of Dupont, Pa.

Section IV. PROHIBITED ACTS AND CONDUCT

The owner of any premises (as to vacant premises or premises occupied by the owner or leased by the owner to another) and also the occupant of any premises in the case of premises being occupied by other than the owner thereof, shall not permit on any part of the premises any one or more of the following:

- (a) The storage or maintenance in the open of any one or more of the following articles: scrap metal, machines, ice boxes, freezers, dryers, washing machines, stoves, household appliances, equipment, paper, glass, containers, rags, used heating and plumbing supplies or materials, used lumber, scrapped, abandoned or junked motor vehicles or unlicensed motor vehicles (unless duly licensed as a used car dealer by the Commonwealth of Pennsylvania) unless said articles are housed or enclosed in a rodent proof, locked building.

The storage maintenance of any of the aforesaid articles in the open or outside of a rodent proof, locked building (a building enclosed with a roof and four sides and in good order so that rodents may not readily take harborage therein, or children have ready access thereto) is prohibited and declared to be a nuisance to the health, safety, cleanliness and comfort of the Borough inhabitants, and the same renders the owner or occupier of the premises liable to the penalties herein provided.

- (b) The keeping or suffering to remain upon the premises any garbage, offal, carcass, putrid matter or any other offensive or unwholesome matter, except in proper metal or plastic containers for the proper disposal thereof through the garbage collection service being furnished by the Borough.
- (c) The permitting of any grass, weeds or any vegetation whatsoever not edible or planted for some useful or ornamental purpose to grow or remain upon such premises so as to exceed a height of six inches, or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or to produce pollen. Any grass, weeds, or other vegetation growing upon any premises in the Borough in violation of any of the provisions of the Section is hereby declared to be a nuisance to the health, safety, cleanliness and comfort of the Borough inhabitants.

The owner or occupant of the premises shall remove, trim or cut grass, weeds or other vegetation so growing or remaining upon such premises so that such grass, weeds or other vegetation will conform to the requirements of this ordinance.

The Borough Council or any officer or employee of the Borough designated thereby for this purpose is hereby authorized to give notice either by personal service or by ordinary first class United States mail to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this Ordinance, which notice will direct and require such owner or occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance within ten (10) days after the issuance of such notice. In the case that any owner or occupant shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may go onto the premises and may remove, trim or cut such grass, weeds or vegetation without giving any further notice to the owner or occupant. The cost thereof, together with the penalty of this ordinance and any additional penalty authorized by law, may be collected by the Borough from the owner or occupant in the manner provided by law.

Section V. PENALTY

Any person who violates any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 and the cost of prosecution or be sentenced to jail for a period not to exceed ten (10) days: provided that each day's violation of any provisions of this ordinance shall

constitute a separate offense, and that notice to the offender will not be necessary in order to constitute an offense.

Section VI. SEVERABILITY

The provisions of this ordinance shall be severable. The Borough Council hereby declares that should any section, paragraph, sentence or words of this ordinance hereby adopted be declared, for any reason, to be invalid, it is the intent of the Borough Council that it should have passed all other portions of this ordinance hereby adopted independent of the elimination here from of any such portion as may be declared invalid. Such a declaration of invalidity shall not affect the validity of all other remaining provisions of this ordinance.

Enacted and ordained this 8th day of July 1992.

Original Signatures: Alexander J. Dubeck, Secretary of Council

Ann Marie O'Malley, President of Council

George Legezdh, Mayor

Typed to computer file 3-1-13 by Patricia McDonald, Borough Manager.

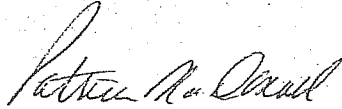
Amendment: 3-12-2013

Ordinance 9204-1992 Health and Sanitation Ordinance

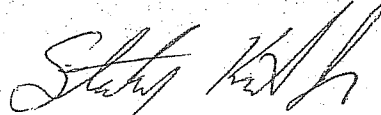
Section 2(d) Nuisance:

"No trash may be placed on the sidewalk, curb or along a public street or alley right-of-way for collection prior to 24 hours before the scheduled pickup day. Trash, refuse and recyclable containers must be removed from the sidewalk, curb, or along public street or alley right-of-way no later than Midnight on the day of collection. Violation of this section shall constitute a summary criminal offense and upon conviction may be punished by a fine not to exceed fifty (\$50.00) dollars.

This amendment shall take effect immediately upon its enactment.



Attest: Patricia McDonald
Borough Manager



Stanley Knick Jr.,
Council President

Adopted and approved at the March 12, 2013 regular meeting of Dupont Borough Council.