

BOROUGH OF ORWIGSBURG

Schuylkill County, Pennsylvania

ORDINANCE NO. 216

AN ORDINANCE RELATING TO SANITATION AND FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY; PROHIBITING THE ACCUMULATION OF DUMPING OF GARBAGE REFUSE AND OTHER WASTE MATERIALS WITHIN THE BOROUGH; PROVIDING THAT ALL GARBAGE AND REFUSE AS HEREIN DEFINED BE COLLECTED, CONVEYED AND DISPOSED OF BY A PERSON DULY AUTHORIZED BY THE BOROUGH TO COLLECT AND DISPOSE OF THE SAME; PROVIDING FOR THE AWARDING OF A CONTRACT THEREFORE; PROVIDING FOR THE DISPOSAL OF BUILDING RUBBISH, STREET REFUSE, INDUSTRIAL WASTE, AND OTHER WASTE MATERIALS NOT COMMONLY PRODUCED IN HOMES, STORES, BUSINESS ESTABLISHMENTS AND INSTITUTIONS: PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

BE IT ENACTED and ORDAINED by the Borough Council of the Borough of Orwigsburg, in council duly assembled, and it is hereby enacted and ordained by authority of the same, as follows:

Section 1. Definitions.

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in 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.
- (c) Rubbish means all waste materials and not included in garbage and ashes but does not include building rubbish from building construction or reconstruction, street refuse, industrial refuse,

dead animals, abandoned machinery or vehicles, or such other waste materials as are not commonly produced in homes, stores, business establishments and institutions.

(d) Refuse means garbage, ashes and rubbish as herein defined.

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

Section 2. No person shall keep or suffer to remain upon his premises, or on any private or public property within the borough, any garbage, ashes, rubbish, refuse, building refuse from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned machinery or vehicles, or such other waste materials as are not commonly produced in homes, stores, business establishments and institutions, nor cast the same upon any public or private property within the borough, nor may any person use or permit to be used any place within the borough as a private or public dump for garbage, ashes, rubbish, refuse, or any other waste material.

Section 3. All building rubbish from building construction, reconstruction or razing thereof, street refuse, industrial waste and refuse, dead animals, abandoned machinery and equipment, or such other waste materials as are not commonly produced in homes, stores, and institutions, shall be disposed of by the property owner, in accordance with this ordinance and any rules and regulations to be adopted and enacted hereunder.

Section 4. No person except the contractor designated as herein provided shall collect refuse from any other person for disposal, nor shall any person except the aforementioned contractor, haul any refuse for any other person within the borough or from any point within the borough to any place or location outside the borough limits. Provided, however, the prohibitions contained in this section shall not apply to

any person who shall haul his own refuse in a proper conveyance in which such refuse can be conveyed in such a manner as not to be a source of annoyance or create unpleasant odors and so as not to leak, drip or be scattered upon any of the streets or alleys of the borough.

Section 5. The contract for the exclusive right to collect refuse from any other persons in the borough and for the conveyance and disposal thereof shall be awarded from time to time as shall be determined by the borough council, to the lowest responsible bidder. Such contract shall fix and regulate, in a manner not inconsistent with the terms of this ordinance, the method and time of collecting, conveying and disposing of said refuse. The person to whom such contract shall be awarded shall, before undertaking any of his duties thereunder, give a bond to the borough in such sum and in such security as the council shall require, conditioned for the faithful compliance with all the terms and conditions of the contract and of this ordinance.

Section 6. Each person for whom the said contractor shall collect refuse shall place said refuse in sanitary, covered cans made of non-absorbent material, not larger than twenty (20) gallons capacity, provided with handles and closely fitted covers, and of such type that the can may conveniently be emptied by one person. Such cans shall be furnished by the customer, shall be cleaned by him following each collection, and shall be replaced by such person when no longer in good condition. All combustible refuse 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. All incombustible refuse shall be in units that can be handled by one person and shall be placed in containers or piled and assembled in such a way so as to facilitate collection. All refuse shall be placed for collection at the curb line of the properties of the owners. The contractor herein designated shall not be required to convey any building rubbish from building construction or reconstruction or razing thereof, street refuse, industrial refuse, dead animals, abandoned machinery or vehicles and equipment of any kind, or such other waste

materials as are not commonly produced in homes, stores and institutions.

Section 7. The collection and disposal of refuse shall be governed by this ordinance and by regulations made by the Borough Manager who 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 as he may deem advisable, and to change, modify the same after due notice as required by law, provided that such regulations are not contrary to the provisions hereof. An aggrieved person shall have the right of appeal against any regulation made by the Borough Manager to the Borough Council which may confirm, modify or revoke any such regulation.

Section 8. 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 the Borough Council or the Borough Manager under the provisions hereof, shall upon conviction thereof pay a fine of not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars, and in default of the payment of such fine and costs of prosecution to undergo imprisonment in the County Jail for a period of not more than ten (10) days. After notice, each day's neglect to comply with the provisions of this ordinance or any such regulation shall be deemed a separate and distinct offense and be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each day's offense after the first conviction.

Section 9. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed insofar as the same affects this ordinance.

Section 10. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not

affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council and Mayor of the Borough of Orwigsburg that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED and ORDAINED into an ordinance this 10th day of October, A.D., 1973, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG

BY: Arthur E. Emerich
President

ATTEST:

Anna L. Shillect
Secretary (acting)

EXAMINED and APPROVED this 10th day of October,
A.D., 1973.

James F. Orwig
Mayor of the Borough of Orwigsburg
Schuylkill County, Pennsylvania