

ORDINANCE NO. 177.

AN ORDINANCE RELATING TO SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY: PROVIDING FOR THE ESTABLISHMENT OF AN EXCLUSIVE COLLECTION AND DISPOSAL SERVICE FOR GARBAGE, RUBBISH, ASHES AND RIFFRAFF ACCUMULATED IN THE BOROUGH: MAKING REGULATION FOR THE COLLECTION AND DISPOSAL OF SUCH GARBAGE, RUBBISH, ASHES AND RIFFRAFF AND FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITHIN THE BOROUGH AND AUTHORIZING THE SANITATION COMMITTEE TO MAKE ADDITIONAL REGULATIONS RELATING THERETO. PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, ASHES AND RIFFRAFF AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND SUCH REGULATIONS.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clymer, and it is hereby ordained and enacted by the 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 in those instances wherethe context clearly indicates otherwise:

A. "Ashes" is the residue from the burning of wood, coal, coke or other combustible materials.

B. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and condumpt@n of food.

C. "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials; excepting however, building rubbish resulting from building construction or reconstruction, industrial refuse, dead animals, abandoned vehicles or machinery, or such other waste material as are not commonly produced in homes, stores and intitutions.

D. "Riffraff" is all waste material not included in the definition of ashes, garbage or rubbish, too large for collection in the ordinary containers as set forth herein, such as furniture, tanks, stoves and the like.

E. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including ashes, garbage, rubbish and riffraff, as herein defined.

F. "Person" is any person, firm, partnership, association, corporation, Company or organization of any kind.

G. "premises" is any building or group of buildings constituting a single property and the lot or parcel of land on which such building or buildings are located.

H. "Owner" is the owner or reputed owner of the premises within the Borough, or any agent or other person employed by him to manage or maintain such premises.

I. "Occupant" is the owner occupying any part of the premises or a tenant or renter of such premises.

J. "Commercial Refuse" is refuse orginating in and around commercial establishments.

K. "Building Debris" resulting from miner noncommercial repairs to a private dwelling made by the owner or occupant himself shall be classified as refuse or riffaff.

L. "Family" is either an individual, or two or more persons related by blood or marriage, or a group of not more than three persons not related, living as a single housekeeping unit ia a dwelling unit.

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SECTION 2. ADMINISTRATION.

A. All refuse accumulated in the Borough of Clymer, shall be collected, conveyed and disposed of by the collection agent exclusively contracted by the Borough. The cost of such service and the responsibility of payment therefor, shall be borne by the owner of premises from which said refuse is collected or upon which premises said refuse is accumulated and deposited. In addition, the actual occupant of any premises as referred to in the preceding paragraph shall be responsible for the payment of fees, as hereinafter specified, and the Contractor may require payment from either the owner, the occupant or any other person producing refuse or responsible for the existence or disposal thereof or from whom such refuse is removed.

B. It shall be unlawful for any person to collect, convey over any of the streets and alleys of the Borough or dispose of any refuse accumulated in the Borough in any manner not approved of in this Ordinance or subsequent regulations.

C. All persons within the Borough of Clymer shall dispose of collectable refuse by the exclusive collection service only and shall not transport or dispose of refuse by any other means. The Sanitation Committee which is hereby created, shall have the authority to make regulations concerning the days of collection, type and location of containers demanding special consideration and not sufficiently covered in this Ordinance, and such other matters pertaining to the collection and disposal as it may deem advisable, which are not contrary to the provisions hereof. The decision of the Sanitation Committee may be appealed to the Borough Council which may confirm, modify or revoke any regulations.

D. Collectors of refuse from outside of the Borough of Clymer who desire to haul over the streets of Clymer shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. The Sanitation Committee shall have the authority to make other regulations concerning outside collectors of refuse passing through the Borough. Such disposal shall be made outside the Borough limits.

SECTION 3. PRE-COLLECTION PRACTICES.

A. Garbage, ashes, rubbish, hedge clippings, grass and everyday household refuse shall be included in the regular collection service. It is not necessary to separate these different types of refuse.

(1) All garbage before being placed in refuse containers for collection shall have drained from it all free liquids and may be wrapped in paper.

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

(3) Tree trimmings, hedge clippings and similar material shall be cut to lengths not to exceed four feet and securely tied in bundles not more than two feet thick before being offered for regular collection.

(4) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulation of refuse within fifteen (15) days of notice to either the occupant or owner shall be deemed a violation of this Ordinance.

(5) 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 cover of any of the refuse receptacles or to remove the refuse stored in such containers.

SECTION 4. REFUSE CONTAINERS.

A. A sufficient number of refuse receptacles shall be provided by the owner, tenant or occupant of the premises.

B. It shall be the responsibility of the occupant of the premises to keep all refuse receptacles in a sanitary condition.

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C. All refuse receptacles shall be maintained in good condition. Any receptacle which does not conform to the provisions of this Ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the collector shall be promptly replaced, upon notice. Failure to comply within ten (10) days will result in the removal of defective receptacles as refuse.

D. All refuse containers shall be marked for identification by the owner.

E. More than one family or living unit on the same premises may use the same containers but each family must pay the established rate as though a separate container is being used.

F. All refuse containers for household wastes shall be of galvanized or aluminized iron, plastic material or equivalent, by which they may be lifted, shall not leak, and have tight fitting covers or seals sufficient to keep out water and to prevent disturbance by animals and entrance of insects.

G. All refuse to be collected from Commercial Establishments within the Borough shall be deposited in containers of such size and construction and located at such place or places as the Sanitation Committee may reasonably prescribe, having due regard to the nature and quantity of such refuse and the nature and location of the Commercial Establishment.

SECTION 5. POINTS OF COLLECTION.

Refuse containers shall be placed for collection in an accessible location. The question of accessibility shall be determined on the basis of convenience to both customer and collector and the Sanitation Committee is authorized to make final decision. Receptacles for trash or ashes may be placed for collection at other than ground level when approved by the Borough Manager and an additional payment for the extra service is agreed upon by both parties.

SECTION 6. COLLECTION PRACTICES.

A. Frequency of Collection.

(1) It is the intent of this Ordinance that refuse will be collected from each residential and commercial establishment once each week during the collection period for the standard charge established by the Sanitation Committee and as set forth in the collection contract.

(2) Commercial establishments which desire more than one collection of refuse each week may arrange for more frequent collections at a reasonable additional charge to be fixed by the Sanitation Committee. Whenever he may deem it necessary to protect the public health, the Sanitation Committee shall have the authority to require that more frequent collections be made.

(3) The Sanitation Committee is authorized to set up special collection schedules for the removal of riffraff from all premises in the Borough.

B. Limitation of Quantity.

(1) It is the intent of this Ordinance that three (3) containers of refuse of each family for the collection period will be collected for the standard charge. The Collector may make a reasonable additional charge for excessive or unreasonable amounts, at a rate to be fixed by the Sanitation Committee.

(2) It is the intent of this Ordinance that those classified as Commercial shall have their reasonable accumulations of refuse collected at a fair charge based upon average weight or volume. The Collector may make a reasonable additional charge for excessive or unreasonable amounts at a rate to be fixed by the Sanitation Committee.

C. Special refuse problems shall be discussed by the occupant with the Collecting agent. In case of inability to reach an agreement, the matter may be referred to the Borough Council whose decision is final.

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(1) Contagious disease refuse - the removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the Borough Health Officer. Such refuse shall not be placed in any containers for regular collection.

(2) Inflammable or explosive refuse shall not be placed in any containers for regular collection but shall be disposed of as directed by the Sanitation Committee at the expense of the owner or possessor thereof.

SECTION 7. FEE AND RATE SCHEDULE.

The fees for the collection and disposal of refuse shall be negotiated with the prospective collection agents by the Sanitation Committee and upon determination of the agency to be hired, a contract setting forth a fee and rate schedule shall be submitted to Borough Council for approval and acceptance by a majority of its members.

SECTION 8. 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 or the Sanitation Committee under the provisions hereof shall, upon conviction thereof by the Mayor or any Justice of the Peace of the Borough, pay a fine of not less than Five (\$5.00) dollars nor more than Twenty-five [25.00] dollars, and in default of the payment of such fine and costs of prosecution shall be imprisoned 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 regulations, shall be deemed a separate 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. SEVERABILITY.

It is the intention of Council that each separate provision of this Ordinance shall be independent of all other provision herein, and it is further the intention of Council that if any of the provisions of this Ordinance be declared to be invalid all of the other provisions hereof shall remain valid and in force.

SECTION 10. REPEALS.

All other Ordinances, parts of Ordinances, Resolutions and parts of Resolutions inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

SECTION 11. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 1974.

ORDAINED AND ENACTED this 1 day of April, 1974.

BOROUGH OF CLYMER

BY Roe Johns
President of Council

Attest

C. L. Longwill
Secretary

APPROVED this 1 day of April, 1974.

Norman Richardson
Mayor.