

ORDINANCE NO. 235

AN ORDINANCE OF THE BOROUGH OF CLYMER PROVIDING FOR THE REGULATION AND DISPOSAL OF GARBAGE, RUBBISH AND TRASH WITHIN THE BOROUGH OF CLYMER, INDIANA COUNTY, PENNSYLVANIA.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clymer, County of Indiana and Commonwealth of Pennsylvania, as follows:

SECTION 1. - DEFINITIONS

The following words, as used in this Ordinance, shall have the meanings hereby ascribed thereto:

A. Garbage shall include rubbish, trash, table refuse, animal and vegetable matter, fruits, vegetables and parts thereof, and any other articles and materials ordinarily used for food which have become unfit for such use, or any other type of material as being discarded.

B. Person shall mean any natural person, partnership, association, firm or corporation.

C. In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. - GARBAGE TO BE DISPOSED OF OURSIDE BOROUGH LIMITS BY LICENSED COLLECTOR ONLY:

All garbage originating within the Borough of Clymer, including that arising from residential, commercial and industrial establishments, shall be disposed of only by removal beyond the limits of the Borough by a licensed collector as hereinafter provided.

SECTION 3. - GARBAGE DISPOSAL WITHIN THE BOROUGH LIMITS PROHIBITED.

No person shall dispose of any garbage within the limits of the Borough of Clymer.

SECTION 4. - LICENSE REQUIRED TO HAUL GARBAGE IN THE BOROUGH

It shall be unlawful for any person, whether as principal or as agent, to haul or cause to be hauled any garbage over any street or alley in the Borough of Clymer without first having obtained a license therefor from the Mayor of Clymer Borough.

SECTION 5 - AUTHORITY TO GRANT EXCLUSIVE RIGHT TO COLLECT GARBAGE.

The exclusive right of collection garbage in this Borough of Clymer shall be granted to such person or persons as Council shall from time to time appoint, for such length of time as Council shall designate and subject to such conditions shall impose.

SECTION 6. - LICENSE REQUIREMENTS

The Mayor shall not issue any license under this Ordinance unless the applicant therefor shall agree to comply with the following requirements:

a. to haul garbage in a vehicle with body sufficiently tight and closed at the sides and bottom so as to prevent the contents from dropping or sifting;

b. to use a cover over the portion of such vehicle in which rubbish shall be hauled and to keep such cover closed at all times except when actually loading and unloading;

c. Not to overload such vehicle so as to risk fouling any of the streets or alleys in the Borough used by such vehicle.

d. Not to haul garbage within the Borough unless the license hold shall have been granted the exclusive right to do so.

e. Pay the sum of One hundred dollars (\$100.00) to the Borough as an annual license fee.

f. Provide a Performance Bond to the Borough of Clymer in such an amount and with such company that is acceptable to the Borough Council to insure faithful compliance with the contract for garbage hauling.

SECTION 7. - CONTRACT FOR GARBAGE HAULING

The garbage collector who is given the exclusive right to collect garbage within the Borough of Clymer, shall enter into an agreement with the Borough of Clymer prior to collecting any garbage within the Borough of Clymer.

SECTION 8. - THE RIGHT TO RESCIND APPOINTMENT OF COLLECTOR

If the person appointed under the provisions of this Ordinance shall not conduct the removal of garbage in a satisfactory manner and in accordance with the provisions contained in this ordinance, Council shall have the right to rescind his appointment at any time within the period for which the appointment was granted.

SECTION 9. - RECYCLABLE MATERIAL

Notwithstanding any other provision of this ordinance, it shall not be unlawful for any person engaged in recycling of glass, cans or newspaper or other such materials, to haul said recyclable material from the Borough of Clymer, having first provided himself with the proper conveyance in which such recyclable material can be conveyed in such a manner as not to be a source of annoyance or unpleasant odors and so as not to leak, drip or be scattered upon any of the streets or public ways of the Borough of Clymer. Provided, further, that no person may haul recyclable material from Clymer Borough until a permit is received from the Mayor of Clymer. No such person shall have the right to remove recyclable material from Clymer Borough after the expiration or revocation of said permit.

SECTION 10. - PENALTY FOR VIOLATION

Any person violating any of the provisions of this Ordinance who collects garbage within the limits of the Borough of Clymer without an exclusive license to do so, or who shall remove recyclable material from the Borough of Clymer without a permit shall upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs and in default thereof shall undergo imprisonment for a period not in excess of thirty (30) days. Each day that any person is in violation of this ordinance shall constitute a separate offense.

SECTION 11. - VALIDITY

Should any section or any provision of this Ordinance be declared by the court of competent jurisdiction to be invalid, such invalidity shall not affect the Ordinance as a whole or any part thereof.

SECTION 12. - EFFECTIVE DATE

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED this 9th day of July, 1986.

ATTEST:

MELANIE A. WILLIARD  
Secretary

BOROUGH OF CLYMER

BY: JEAN M. RELICK  
President of Council