

Ordinance 1 of 2018

West Wyoming Borough

SANITATION ORDINANCE REVISION

Article I: Title

Ordinance of the Borough of West Wyoming Regulating all sanitation services but not limited to garbage and trash removal, yard waste and bulk item removal and fees charged by the Borough; adopting certain rules and regulations and providing for adoption of additional rules and regulations

Article II: Purpose

In enacting this ordinance, it is the desire of the Borough of West Wyoming to set forth a program of removal of garbage, trash, yard waste and bulk items and other items or activities that are deemed to be a part of the sanitation program to set forth an appropriate fee schedule for the same. It is the intention of the Borough to establish this program so as to improve the health, safety and welfare of the community.

Article III: Definitions and Limitations

- A. The term "garbage" as herin used shall mean every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use in cooking, dealing in, or storing meat, fish, fruit or vegetables.
- B. The term "rubbish" as herin used shall mean waste material and refuse of every character collected or accumulated within this Borough, except garbage, and shall include by way of enumeration but not by way of limitation stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans, newspapers.
- C. The term "yard waste" as herin used shall mean waste material accumulated within this Borough except garbage and rubbish, and shall include by way of enumeration but not by way of limitation grass, leaves, sticks and tree branches.
- D. The term "bulk item" as herein used shall mean waste material accumulated within this Borough except garbage, rubbish, and yard waste shall generally mean large household appliances.
- E. The term "litter" as herein used shall include but not limited to garbage, rubbish, and refuse, which, if thrown or deposited as herein prohibited, would tend to create a danger to public health, safety or welfare.
- F. The term "persons" as herin used shall mean any natural person, corporation, association if individuals, whether or not incorporated, and whether or not organized for endeavors of profit, charity, educational or civic purposes or any other purpose whatsoever.
- G. The term "private premises" as herin used shall mean any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purpose, whether inhabited or vacant, and shall include any yard grounds, dwelling, house, building or other structure.
- H. The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, square, spaces and buildings.
- I. The term "recyclables" shall mean material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal

cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, computer print-out paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated.

2. Disposal

It shall be unlawful for any person, firm or corporation to dispose of or dump garbage or rubbish upon the streets of the Borough or upon any public or private premises other than those duly designated for such purposes by Borough Council.

3. Containers

All garbage and rubbish and waste for the compost shall be placed in containers prescribed hereinafter and shall be placed at convenient outdoor pickup locations on the terraces next to the street in residential areas or in the alley or rear of commercial areas unless otherwise designated by the Borough Garbage may be placed on the curb 24 hours before scheduled pickup and must be removed within 24 hours after the collection day.

4. Limitations

- A. Borough employees and/or contractors will not go upon private property to pick up any type of garbage, rubbish or yard waste except areas that are open to the public and accessible to the garbage packer.
- B. The following items will not be collected: motor vehicles, waste from demolition, destruction, burning or disposal of buildings, concrete, large limbs, tree trunks, tree roots, tires, poisons, explosives, dangerous or corrosive chemicals, heavy metal or parts, rocks, bricks, concrete blocks and refuse from construction or remodeling.
- C. Cardboard boxes must be broken down.

Article IV: Receptacles

5. Requirements

Any persons using or occupying any building, house or structure within the Borough shall maintain in good order and repair garbage or trash receptacles of sufficient number to contain garbage or trash that will accumulate on the premises.

6. Specifications

- A. One receptacle for Garbage and one receptacle for Recycling are provided to residents for refuse and recycling collection. Those receptacles must be used by residents on the prescribed collection days. No other containers may be used, unless permitted by the Borough.

7. Unauthorized Use of Receptacles

It shall be unlawful for any person or permit another to place any garbage or trash in any receptacle at any refuse collection point unless the refuse is from the premises served by the container.

The owner or occupant of any building, house, structure or land shall cause to be removed all refuse items which will not be collected by the regular Borough collection service and which are located,

owned, or deposited on the property. Removal at the owners' expense within three days of notice by the Borough is required.

Article V: Collection

8. Frequency of Regular Collection

The West Wyoming Borough Council shall establish a schedule for regular collection service. Public notice of said schedule of collection shall be made via newspaper publications and/or the Borough Newsletter. The yard waste and compost program schedule shall be set by the council annually.

9. Maximum amount of containers collected

During each regular collection the Borough will collect from the designated refuse and recycling containers allocated for each household. For the yard waste and compost program, each year the Borough will specify the schedule and manner in which the yard waste will be removed.

Article VI: Garbage Collection Stickers/Invoices

10. Garbage Collection Participation

A. Residential

1. All residents, corporation, businesses, associations, etc. who own any structure in the Borough of West Wyoming, including any apartment, mobile home or trailer, which is used in whole or in part for residential purposes must participate in the garbage collection services of the Borough. Participation would be by either paying an invoice sent by the Borough or by purchasing a garbage sticker. The Borough has the option to use either method.
2. It shall be the obligation of the owner of any such residential structure to make payment to the Borough for garbage collection services.
3. Each owner of a trailer park or multi-family dwelling shall be responsible for making payment to the Borough for garbage collection services for each unit or trailer in the multi-family dwelling or trailer park. It shall be the obligation of the owner of any multi-family dwelling or trailer park to pay the Borough the garbage collection fee for each dwelling unit or trailer.

B. Commercial

All persons, residents, corporations, businesses, associations, etc. who own any structures in the Borough which are used for commercial purposes may, at their option, make payment to the Borough for garbage collection services.

C. Stickers

The Borough has the option to make use of garbage stickers instead of using invoices. If stickers are used, they must be displayed on the building for which the garbage is to be removed.

Article VII: Service Fees

11. Fees

The annual fees for the regular collection from residential and commercial shall be set each year by the Council of West Wyoming.

12. Collection of Fees

It is the responsibility of anyone required to pay for garbage collection service to do so by February 28th of each calendar year, except however that if a structure is first used for residential purposes after February, then said fee shall be prorated and due and payable within 30 days of the date that residential use is first established.

If the fee is not paid within 30 days of the due date, a 10 percent penalty fee shall be added thereto; additional interest and penalty shall also be added. In addition, a penalty and corresponding fee shall be due to the Borough.

Any individual or enterprise not paying its garbage collection fee within the time required by this section shall be in violation if this chapter and each day the garbage collection fee remains unpaid shall constitute a separate violation of this ordinance.

Notwithstanding any provision in this ordinance to the contrary, the Borough shall have the right to enter into special agreements with the owner of a residential property with respect to payment.

Article VIII: Violation and Penalties

13. Any garbage, rubbish or other refuse not collected by the Borough, either because of the limitations provided in this ordinance or because of non-payment of a fee shall be disposed of by the owner. Failure of the owner to dispose of the garbage, rubbish or other refuse not collected by the Borough shall be considered a violation of this ordinance and subject to penalties herein provided.

- A. Any person who shall violate any provision of this ordinance shall upon conviction thereof for each violation, be subject to a fine of not less than fifty (\$50) and not more than three hundred (\$300) dollars in the discretion of the Court, plus costs to prosecute. In default of the payment of such fines and costs, such person shall be imprisoned in the County jail for a period of not more than ten (10) days.
- B. It shall be considered a violation of this Ordinance when more than one residential premise and/or business or commercial enterprise are aggregating their garbage and trash collection under one service fee. In such event, both parties will be considered in violation of this ordinance.
- C. Each day that any violation of this ordinance exists shall be considered a separate and distinct violation.

Article IX: Severability

14. In the event, any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence or clause or part of this ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

Article X: Repealer

15. All ordinances or parts of ordinances or resolution of parts of resolutions which are inconsistent herewith expressly shall be repealed.

Article XI: Effective Date

16. This ordinance shall become effective on the date of its adoption by the Borough.

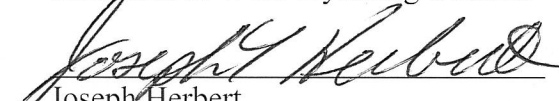
Duly resolved and adopted this 12th day of March, 2018, West Wyoming Borough, Luzerne County, Pennsylvania in lawful session duly assembled.

Attest:



Gary Stavish
Chairman of West Wyoming Council

Attest:



Joseph Herbert
Mayor

Attest:



Marie Pedley
Secretary