

ORDINANCE 2012-03

**BOROUGH OF KULPMONT
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF KULPMONT, NORTHUMBERLAND COUNTY, PENNSYLVANIA, AMENDING AND REPEALING SECTIONS OF INCONSISTENT ORDINANCES FOR REFUSE AND GARBAGE, PERMITTING FEES, AND PROVIDING FOR A FINE OF NOT LESS THAN \$100.00 AND NOT MORE THAN \$1,000.00 TO BE LEVIED AGAINST ALL INDIVIDUALS WHO VIOLATE THIS ORDINANCE WHO DOES NOT CORRECT ANY VIOLATION, IMPOSING PENALITES OF INCONSISTENT ORDINANCES.

BE IT ORDAINED, by the Council of the Borough of Kulpmont, Northumberland County, Pennsylvania and it is hereby ORDAINED and ENACTED by and with the authority of the same as follows:

SECTION ONE:

This Ordinance No. 2012-03 shall be known and may be cited as “The Garbage Refuse Permitting Ordinance”.

SECTION TWO: GENERAL PROVISIONS

The Board of Health for purposes of this Ordinance shall consist of the Borough physician, the Code Enforcement Officer and three (3) members of the Kulpmont Borough Council and Safety Committee to oversee all appointed Board of Health officers. The physician and code enforcement officer shall have authority under this Ordinance to sign citations issued by the Board of Health.

Definitions – As used in this Section, the following terms shall have the meanings indicated.

Ashes – Residue from fires used for cooking and for heating buildings.

Garbage – All table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use or which are for any reason discarded, including market refuse and waste from handling, storage and sale of produce.

Person – Any natural person, associations, partnership, firm or corporation profit or non-profit.

Property – Any building and/or tract of land.

Rubbish or Refuse – Combustible paper, boxes, cartons, wood and excelsior, tree and yard trimmings, furniture and bedding, clothing, draperies, non-combustible metals, tin cans, bottles, crockery and mineral refuse.

Compliance Required – No person shall dispose of rubbish, refuse or garbage in the Borough of Kulpmont except in accordance with this Article.

SECTION THREE: DISPOSAL REGULATIONS

- A. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof, which he/she occupies, and controls.
- C. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by this Article.
- D. Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by this section. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units.
- E. Rubbish and refuse shall be placed in waterproof containers.
- F. All containers shall be provided with lids, which are waterproof, rat proof, and fly proof. Tied plastic refuse bags may be used in lieu of refuse containers only on the day of collection.
- G. No live coals or fire shall be placed in any container or placed out for collection.
- H. No contagious diseases refuse or rubbish, flammables or explosives or human feces shall be placed in any container or placed out for collection.

SECTION FOUR: ACCUMULATION OF WASTE PROHIBITED:

- A. No person owning or occupying any building, lot or premises shall allow any garbage, waste, refuse or rubbish to collect or remain upon said property, provided, however, that this prohibition *shall not be construed as interfering with construction under a valid permit during the course of construction and within a reasonable time thereafter.*
- B. No garbage, refuse or rubbish shall be permitted to accumulate on the ground nor be deposited on highways, streets, alley, sidewalks, vacant lots or public ground nor be thrown into a stream or other body of water.
- C. No Abandon Vehicles shall be permitted to neither accumulate on the ground nor be on highways, streets, any alley, any sidewalk, vacant lots or public ground. An abandoned vehicle shall be described as having no valid registration and/or inspection, no tires, no windows, and is not operable. It shall be unlawful for any abandoned vehicle to be parked on a Borough Street.

Interference with refuses out for collection prohibited – It shall be unlawful for any person not authorized to do so to remove the lid from any refuse container or to collect, molest or scatter refuse set out for collection.

Use of private collector not to relieve from compliance. – The use of private collectors will not relieve any person from compliance with this Article.

Vehicle Regulations:

- D. All carts or vehicles used to transport garbage, rubbish or refuse shall be covered with a secured heavy canvas covering.
- E. No cart or vehicle used to transport garbage, rubbish or refuse shall be loaded to such a capacity as to cause the garbage, rubbish or refuse to drop on the highway.
- F. No garbage, rubbish or refuse shall be left in any vehicle overnight.

Violations and Penalties – Any person, firm or corporation who shall violate and fail to comply with any of the provisions of this Article shall pay a mandatory Twenty-Five (\$25.00) Dollars fine and upon a third notice shall pay a mandatory One Hundred (\$100.00) Dollars Fine and upon conviction before any District Justice shall be sentenced to pay a fine of not less than Two Hundred (\$200.00) Dollars nor more than three hundred (\$300.00) Dollars maximum.

SECTION FIVE: REFUSE STORAGE CONTAINERS - DUMPSTERS

General Requirements:

- A. No refuse storage container (defined herein as a dumpster or other container with a holding capacity in excess of one hundred (100 pounds) used in connection with construction, reconstruction, repair or demolition of a premises shall be utilized on any street, sidewalk or other public right-of-way in the proximity of any residential or commercial property within the limits of the Borough of Kulpmont unless approved by the Borough of Kulpmont Council upon application as follows:
 1. The applicant for a permit shall be the lessee and/or the user of the refuse storage container.
 2. The applicant for a permit must first establish to the satisfaction of the Code Enforcement Office of the Borough of Kulpmont that there is no viable alternative to the temporary use of the refuse storage container on any residential street or sidewalk or other public right-of-way in the proximity of any residential or commercial property.
 3. The application for a permit shall be filed with the Kulpmont Borough Code Enforcement Officer together with a fee of twenty (\$20.00) Dollars for a period of time not to exceed a maximum of ten (10) days. After 10 days there will be an additional fifteen (\$15.00) Dollar fee per week.
- B. The refuse storage container shall be used only in connection with construction, reconstruction, repair or demolition of premises. No material other than that obtained in connection with construction, reconstruction, repair or demolition of a premise shall be placed in said storage and refuse containers.
- C. The refuse storage container shall be maintained in a sanitary condition and covered at the conclusion of each workday; the exposed area of the container shall have reflectors or reflector tape attached and shall be secured in such fashions so as to protect the same from the public.
- D. The refuse storage container shall be emptied promptly when full and at least once every week.
- E. While in effect the application shall act as a bar to any violations pertaining to snow removal or street cleaning.
- F. The owner/lesser and user/lessee of the refuse storage container shall be jointly and severally liable for any damage to roadways, curbs, or sidewalks or damage to property of or personal injury to another, which may be incurred as a result of the placement and/or usage of said, refuse container.
- G. No refuse storage container (Dumpster) shall be authorized for usage without the name of the owner of the container appearing thereon in a prominent place on the container.

Violations and Penalties: Any person, firm, or corporation who shall violate or fail to comply with any of the provisions of this Article and who shall continue to violate or fail to comply with any such provisions forty eight (48) hours after receiving written notice of such violation by the Borough of Kulpmont Code Enforcement Officer shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than Two Hundred (\$200.00) Dollars and not more than One Thousand (\$1,000.00) Dollars and costs or prosecution and/or suffer imprisonment for up to thirty (30) days or both. The continuation of such violation for each successive day shall constitute a new and separate offense and the person or persons allowing the continuation of the violation may be punished as provided above for each separate offense.

SECTION SIX: ACTIVITIES WHEREIN FINE ORDINANCE IS EFFECTIVE

This Ordinance shall affect all issuance of building permits within the Borough of Kulpmont and ANY other permit for ANY purpose with the Borough of Kulpmont. Additionally, this Ordinance shall affect ANY proper Health Board or Code Enforcement violation within the Borough of Kulpmont.

SECTION SEVEN: PENALTIES AND FEES

The Borough of Kulpmont shall levy a fine of Fifty (\$50.00) Dollars plus costs and expense to be levied against all individuals who fail to obtain ANY permit for ANY purpose within the Borough of Kulpmont, within 24 hours of notice of same by proper authority of the Borough of Kulpmont, or ANY individual who does not correct ANY proper Health Board or Code Enforcement

The Borough of Kulpmont shall impose a fee for the permit issued 24 hours after notice of violation in the amount of \$50.00 plus costs and expenses for each day of said violation shall constitute a separate offense and separate violation, each separate offense subject to a penalty of fifty (\$50.00) Dollars. These Fifty (\$50.00) Dollars per day fee shall be in addition to ANY fees, fines or costs levied by a District Justice or ANY other issuing authority.

SECTION EIGHT: SEVERABILITY

If ANY provision of this Ordinance 2012-03, or ANY subsection thereof is found to be illegal or invalid, such a legality of invalidity shall not affect or impair ANY of the remaining provisions of this Ordinance, or ANY subsections thereunder. It is hereby declared as the intent of the Borough that this Ordinance 2012-03 would not have been enacted if ANY per se illegal or invalid provisions were included herein. If ANY provision would be found to exist, such invalid provisions would be stricken.

SECTION NINE: EFFECTIVE DATE

This Ordinance No. 2012-03 is hereby declared to be urgent to the preservation for the peace, health, safety and welfare and comfort of the residents of the Borough of Kulpmont, and shall take effect and be in full force immediately after its passage.

SECTION TEN: REPEALER

All Ordinances or parts of Ordinances in conflict or inconsistent herewith shall be and the same are hereby repealed absolutely.

DULY ORDAINED AND ENACTED THIS 12th DAY OF June, 2012.

ATTEST:

BRUNO VARANO
PRESIDENT OF COUNCIL

RHONDA WILK
BOROUGH SECRETARY

MYRON TURLIS
MAYOR