

ORDINANCE NO. 2008-02

COLLECTION OF MUNICIPAL SOLID WASTE

**BOROUGH OF KULPMONT
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

BE IT ORDAINED AND ENACTED, by the Borough of Kulpmont, County of Northumberland, Pennsylvania:

SECTION I.

DEFINITIONS

Definitions as used herein shall have the meanings as set forth below:

EXTERIOR PROPERTY – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

LICENSED HAULER – Any owner of a waste transportation vehicle licensed under Pennsylvania Act 90.

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Borough of Kulpmont or otherwise having control of the property, including the guardian of an estate of such person and the executor or administrator of the estate of such person.

MUNICIPAL WASTE – Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

PERSON – An individual, corporation, partnership or other group acting as a unit.

PREMISES – A lot, plot or parcel of land, including any structures thereon.

TENANT – A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

YARD – An open space on the same lot with a structure.

SECTION II.

ACCUMULATION OF RUBBISH OR GARBAGE PROHIBITED

All exterior property and premises and the interior of every structure shall be free from any accumulation of Municipal Waste.

METHOD OF DISPOSAL

The occupants of a structure shall dispose of all Municipal Waste in a clean and sanitary manner by placing such Municipal Waste in approved containers.

CONTAINERS REQUIRED

The owner of every dwelling shall supply approved leak proof, covered, outside garbage containers of sufficient number so that all garbage and refuse of all of the occupants of the premises can dispose of their municipal waste in a garbage container and so that no municipal waste is stored by any occupant of the premises outside of a garbage container at any time.

STORAGE OF MUNICIPAL WASTE

The owner of any premises shall provide at all times approved leak proof containers with close-fitting covers for the storage of municipal waste until such time as the municipal waste is removed from the premises for disposal.

REMOVAL BY LICENSED HAULERS

Every owner in the Borough of Kulpmont shall contract with an individual, entity or firm which is a licensed hauler by the Commonwealth of Pennsylvania to have all the municipal waste generated on the premises by any of the occupants of the premises removed and deposited in a permitted landfill on a weekly basis or more often.

PROOF OF CONTRACT REQUIRED

Whenever requested by the Borough of Kulpmont, the owner of any real estate within the Borough shall present proof adequate in the judgment of the Borough designee that the owner of said real estate has a current contract with a licensed hauler to dispose of municipal waste generated on the premises on a weekly basis or more often. The owner of the premises shall have 72 hours to provide proof to the Borough designee that he has a current contract with a licensed hauler to provide sufficient service to satisfy the terms and conditions of this article.

DUTIES OF HAULERS

Any hauler picking up municipal waste in the Borough, shall be required to advise the Borough in writing within 72 hours after request from the Borough as to whether an owner has a current contract for municipal waste disposal from his premises within the Borough. Furthermore, all licensed haulers shall cooperate with the Borough designee in providing information in the event that an action is instituted to enforce the terms and conditions of this article.

COMPOST PILES

Notwithstanding the terms of this article, compost piles kept by

occupants or tenants of a structure shall not violate the terms and conditions of this article, provided that the materials in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the materials from the compost piles around the premises.

SECTION III.

VIOLATIONS AND PENALTIES

Any person who shall violate the terms or conditions of this article shall, upon conviction thereof, be subject to a fine of not more than \$300 and/or imprisonment for a term not to exceed 90 days, or both. Each day that a violation continues after notice of the violation has been served shall be deemed to be a separate offense.

SECTION IV.

SEVERABILITY

Any Ordinance, or part of Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED ON THIS THE 8th DAY OF APRIL, 2008.

ATTEST:

**ROBERT M. SLABY
MAYOR**

**JOSEPH A. WINHOFER
PRESIDENT OF COUNCIL**

**ROBERT M. SLABY, JR.
BOROUGH SECRETARY**