

ORDINANCE NO. 524-2016

EAST WASHINGTON BOROUGH
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF EAST WASHINGTON BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 38 CONCERNING THE STORAGE OF REFUSE BY REQUIRING ANY PERSON OWNING OR OCCUPYING ANY DWELLING UNIT OR PART THEREOF TO COMPLY WITH REGULATIONS AS TO THE STORAGE OF CONTAINERS HOLDING GARBAGE, HOUSEHOLD RUBBISH, ASHES, ETC AND PROVIDING PENALTIES THERETO

WHEREAS, the Council OF East Washington Borough previously adopted Ordinance No. 384 on or about June 16, 1980 regarding the outdoor storage of refuse ; and

WHEREAS, the Council of East Washington Borough has received complaints and concerns regarding the placement of containers utilized for the holding of garbage, household rubbish, ashes, etc; and

WHEREAS, the Council of East Washington Borough believes it to be in the best interest and welfare of its residents to adopt this Ordinance regulating the placement and storage of containers holding garbage, household rubbish, ashes, etc.

NOW THEREFORE, pursuant to the Borough Code, as amended, and other relevant laws of the Commonwealth of Pennsylvania, it is hereby enacted and ordained by the Council of East Washington Borough, as follows:

SECTION 1: TITLE

This Ordinance shall be known as the "East Washington Borough Storage of Household Garbage Container Ordinance of 2015".

SECTION 2: GENERAL PURPOSES

The purpose of this Ordinance is to regulate the storage and placement of containers holding garbage, household rubbish, ashes, etc. by every person owning or occupying any dwelling unit or part thereof in East Washington Borough.

SECTION 3: DEFINITIONS

1. ASHES- the product of burned coal, wood or other combustible materials.
2. DWELLING UNIT- a building or structure or manufactured home, designed or used for residential occupancy, including single-family dwellings, duplexes, multi-family dwellings and owner-occupied home occupations, including apartments with six (6) or less units.
3. GARBAGE- every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of meat, fish, food, fruit or vegetables.

4. HOUSEHOLD RUBBISH- household goods, household refuse, crockery, broken glass, rags, grass clippings and other similar debris, hedge cuttings and shrubbery trimmings bundled, boxed or otherwise contained, furnace pipe, incinerator refuse and ashes of all kinds and descriptions, wood not over thirty-six (36) inches in length, all rubbish, debris, waste, litter, scrap, packing, excelsior, straw, metal cooking utensils, toys, porcelain, carpeting, leather, rubber, shoes, clothing, cardboard, tree trimmings bundled, newspaper and magazines, trees and tree limbs under thirty-six (36) inches in length and three (3) inches in diameter and whole Christmas trees, tires, but no automobile parts.

5. SOLID WASTE- all garbage, rubbish, ashes and bulk.

SECTION 4: DUTY OF OWNERS AND OCCUPANTS OF PROPERTY

It shall be the duty of every person owning or occupying any dwelling unit, or part thereof, in East Washington Borough where any solid waste shall be collected or accumulated, to comply with all the provisions of the Ordinance pertaining to the storing or disposal of solid waste.

A. Every such person shall provide, or cause to be provided, at all times, containers for holding garbage, household rubbish and ashes. It is the responsibility of every such person whose solid waste is collected, to maintain any containers used for the outside storage of solid waste in a manner which does not attract vermin, insects or otherwise create a health hazard. Metal or nonmetal containers must have a handle on the outside and a capacity of not less than seven (7) gallons nor more than thirty-five (35) gallons. Plastic bags, if properly bound and not torn, may be placed at the premises collection site at the appropriate time for collection. Said containers shall be of such construction to be conveniently handled, lifted and emptied, when full, by one (1) person. Every such container shall be maintained in good condition and shall be replaced by such occupant or owner of the premises when it becomes out of repair or when its condition becomes unsanitary or offensive.

B. Every such person shall cause all solid waste from his or her premises to be put in the containers provided for that purpose, as aforesaid. No person shall place, or cause to be placed, in any container receptacle any substance other than solid waste, as above defined.

C. Every such person shall keep his or her private area which is the collection site for solid waste free from all obstructions, i.e., ice, snow and other such materials and all other such accumulations.

D. Every such person shall place his or her containers at the alley side adjacent to that person's property or at the curbside, if no alley exists. Solid waste may be stored at the rear of the property but shall not be placed alley side or on the curb before 6:00 p.m. the day before scheduled pickup during those weeks when Eastern Daylight Savings Time prevails. Solid waste may be stored at the rear of the property, but shall not be placed alley side or on the curb before 3:00 p.m. the day before scheduled pickup during those weeks when Eastern Standard Time prevails. No containers shall be kept or placed at any time on fire escapes, front porches, basements, balconies, streets, sidewalks or any other public place. Any dispute as to where solid waste is to be placed for pickup shall be resolved by the Code Enforcement Officer of East Washington Borough or as determined by the policies and procedures as adopted by the Mayor

and Council of East Washington Borough, from time to time as amended by resolution or pursuant to a policy authorized by a majority vote of Mayor and Council of East Washington Borough.

E. No can used for the storage of solid waste shall be filled so full that the cover will not fit down tightly or be so full that material overflows from the container.

F. Every person owning or occupying any dwelling unit, or part thereof, in East Washington Borough with six (6) or less dwelling units where any solid waste shall be collected or accumulated, may elect to have their solid waste collected and disposed of as commercial or industrial establishments or commercial houses may dispose of solid waste. In such cases, said owners or occupiers shall provide their own dumpster or other receptacle approved by the Borough, which shall be screened or otherwise covered and shall be located at the rear of the subject property so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisance. In the event that said owners of six (6) or less dwelling units shall elect this optional form of solid waste collection, said individual (s) or entity (ies) shall make application with East Washington Borough and provide the information reasonably requested by the Borough on forms provided by East Washington Borough. Said application shall be submitted to the East Washington Borough Code Enforcement Officer who shall determine if said application shall be granted. The Code Enforcement Officer shall comply with all the rules and regulations adopted by the Borough Council from time to time with regard to such application process

SECTION 5: PROHIBITED ACTS

The depositing of any solid waste, as defined herein, garden rubbish or other waste matter, or offal by any person, firm or corporation upon any street, lane, alley, river, stream or other public place or upon any private lot, yard, garden or other private place within the Borough limits, whether owned by such offender or not, not in accordance with the provisions of this Ordinance, is hereby declared to be a nuisance, detrimental to the public health and safety and to the inhabitants of the Borough, and the same is hereby prohibited. This Section is to be reasonably interpreted and enforced by the Borough and/or its designee.

SECTION 6: PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Fifty (\$150.00) Dollars and not more than Five Hundred (\$500.00) Dollars.

SECTION 7: RULES AND REGULATIONS

Council shall have the power to make, from time to time, such rules and regulations as may be deemed necessary to carry out and enforce the provisions of this Ordinance.

SECTION 8: SEVERABILITY

If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or part of this Ordinance. It is hereby declared as the intent of the Council that this Ordinance would not have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 9: REPEALER

Any Ordinance or any part of Ordinances inconsistent with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION 10: EFFECTIVE DATE

This Ordinance shall become effective immediately and upon final enactment.

ENACTED AND ADOPTED by the Council of East Washington Borough this


7th day of March, 2016

ATTEST:

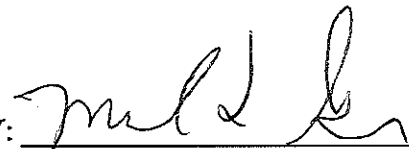
EAST WASHINGTON BOROUGH


Sandy Motichak, Secretary/Treasurer

BY:


Guy Tucci, President

EXAMINED AND APPROVED by me this 7th day of March, 2016

BY: 
Michael Gomber, Mayor