

ORDINANCE 2017-05
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 \$10.00 AND NOT MORE THAN \$3,000.00 TO BE LEVIED AGAINST ALL INDIVIDUALS WHO VIOLATE THIS ORDINANCE AND WHO DOES NOT CORRECT ANY VIOLATION.

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. 2017-05 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 excess, 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 unit 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 unit and premises 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 unit shall dispose of all his or 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. Abandoned Vehicles shall be permitted to neither accumulate on the ground nor be on highways, streets, any alley, sidewalk, vacant lots or public ground. An abandoned vehicle shall be described as having no valid registration and/or no inspection, no

tires, no windows and is not operable. It shall be unlawful for any household vehicle to be parked, on a Borough Street.

Interference with refuse 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 persons 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 One Hundred (\$100.00) Dollars fine and upon a third notice shall pay a mandatory Two Hundred Fifty (\$250.00) Dollar Fine and upon conviction before any Magisterial District Judge shall be sentenced to pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than Three Thousand (\$3,000.00) Dollars.

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 for 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 less than Two Hundred (\$200.00) Dollars and not more than Three Thousand (\$3,000.00) 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. Definitions as Used in This Section

The following words and phrases when used in this ordinance shall have, unless the context clearly indicated otherwise, the meanings given to them in this section:

COLLECTOR/Hauler – A person licensed by the municipality to collect, transport and dispose of municipal waste.

SELF-Hauler – A person who collects, transports and disposes of their own municipal waste on their own premises.

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

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.

RECYCLABLES – Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal cans, steel cans, glass container (clear, green and brown), corrugated paper (cardboard and paper bags), magazines, computer printout paper, office paper, newspaper, paper not chemically coated, leaf waste, and plastics.

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.

ARTICLE I - COLLECTION OF MUNICIPAL SOLID WASTE

Accumulation of Municipal Waste

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

Storage of Municipal Waste

The owner of any premises shall provide at all times approved leak proof containers with correcting fitting covers for the storage of municipal waste when being stored on exterior property until such time as the municipal waste is removed from the premises for disposal.

Haulers & Self-Haulers

- A. 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.

- B. Self-Hauler – All individuals wishing to self-haul or transport their municipal waste on the premises of said individual shall be removed and deposited in a permitted landfill on a weekly basis or more often.

Proof of Contract Required & Self-Haulers Proof

- A. Whenever requested by the Borough of Kulpmont, the owner of any real estate within the Borough of Kulpmont shall present proof adequate in the judgement of the Borough of Kulpmont designee that the owner of said real estate has a current

contract with a licensed collector/hauler to dispose of municipal waste generated on the premises on a weekly basis or more often. The owner of the premises shall have seventy-two (72) hours to provide proof to the Borough of Kulpmont designee that he/she has a current contract with a licensed collector/hauler to provide sufficient service to satisfy the terms and conditions of this article.

- B. All self-haulers shall present proof of municipal waste disposal, in the form of weigh slips or receipts indicating the times and dates in which municipal waste generated on the premises has been disposed from the premises on a weekly basis or more often at a permitted landfill, adequate in the judgement of the Borough of Kulpmont designee to satisfy the terms and conditions of this article.

Duties of Collectors/Haulers

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

Violations and Penalties

Any person who shall violate the terms and conditions, upon conviction thereof, be subject to a fine of not more than Three Hundred (\$300.00) Dollars and/or imprisonment for a term not to exceed ninety (90) days, or both. Each day that the violation continues after notice of the violation has been served shall be deemed to be a separate offense.

SECTION SEVEN – ACTMTIES 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 EIGHT – PENALTIES AND FEES

The Borough of Kulpmont shall levy a fine of Two-Hundred Fifty (\$250.00) 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 violation.

The Borough of Kulpmont shall impose a fee for the permit issued 24 hours after notice of violation in the amount of Two-Hundred Fifty (\$250.00) Dollars 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 Two Hundred Fifty (\$250.00) Dollars. These Two Hundred Fifty (\$250.00) Dollars per day fee shall be in addition to

ANY fees, fines or costs levied by a Magisterial District Judge or ANY other issuing authority.

SECTION NINE - SEVERABILITY

If ANY provision of this Ordinance 2017-05, 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 subsection there under. It is hereby declared as the intent of the Borough that this Ordinance 2017-05 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 TEN – EFFECTIVE DATE

This Ordinance 2017-05 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 ELEVEN – 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 ON THIS 12th DAY OF SEPTEMBER, 2017.

ATTEST:

ATTEST:

Bruno R. Varano
President

Bernard P. Novakoski
Mayor

Rhonda Wilk
Secretary

