

ORDINANCE NO. 02 - 2009

**AN ORDINANCE OF THE BOROUGH OF BEAVERTOWN, SNYDER COUNTY, PENNSYLVANIA, REGULATING THE COLLECTION, STORAGE AND DISPOSAL OF GARBAGE AND RUBBISH WITHIN THE BOROUGH AND ESTABLISHING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

The Council of the Borough of Beavertown ordains as follows:

**1. Authority.** This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 1006(3) and 1202(4), (6), (10), (11) and (74) of The Borough Code [53 P.S. §§ 46006(3) and 46202(4), (6), (10), (11) and (74)], as amended.

**2. Purpose.** This Ordinance is enacted to promote and protect the health, safety, and welfare of the residents of Beavertown Borough by prohibiting the accumulation of garbage and rubbish and requiring the proper storage and disposal of the same.

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

**Borough** - The Borough of Beavertown, Snyder County, Pennsylvania.

**Commercial Hauler** - A person, corporation, association, partnership, or other legal entity engaged on a full-time basis in the hauling and disposal of garbage and/or rubbish for compensation on a regular weekly schedule within the Borough.

**Exterior Property** - The open space on the premises and on adjoining property under the control of owners or occupiers of such premises.

**Garbage** - The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**Owner** - Any person, agent, operator, firm or corporation having a legal or equitable interest in real property in the Borough or otherwise having control of the real property, including, but not limited to, the guardian of an estate of such person and the executor or administrator of the estate of such person.

**Person** - An individual, corporation, partnership, or other group acting as a unit.

**Premises** - A lot, plot or parcel of land, including the structures thereon situated within the Borough.

**Rubbish** - Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches and yard trimmings, tin cans, plastic containers, diapers, metals, mineral matter, glass crockery and dust and other similar materials.

**Tenant** - A person, corporation, partnership, or group, whether or not the legal owner of record of the premises, occupying a building or portion thereof as a unit.

**Yard** - An open space on the same premises with a structure.

**4. Accumulation of Garbage and Rubbish Prohibited.** All exterior property and premises within the Borough together with the interiors of every structure situated thereon shall be free from any accumulation of rubbish and/or garbage.

**5. Method of Disposal.** The occupants of a structure and/or the owners of the premises shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in a plastic or metal container equipped with a lid which may be securely closed.

**6. Containers Required.** The owner of every dwelling shall supply leakproof, covered outside garbage containers of sufficient number so that all garbage and rubbish of all of the occupants of the premises can dispose of their garbage and rubbish in a garbage container and so that no garbage and/or rubbish is stored by any occupant of the premises outside of a garbage container at any time.

**7. Storage of Garbage and Rubbish.** The owner of any premises shall provide at all times leakproof containers with close-fitting covers for the storage of garbage and rubbish until such time as the garbage and/or rubbish is removed from the premises for disposal. On the day of collection or the evening before such collection is to occur, a person may set sealed or otherwise closed plastic garbage bags outside a premises for the sole purpose of such hauler collecting and properly disposing of those bags. In the event the bags are not collected on the scheduled day for collection the person who owns or who occupies the premises shall store the bag or bags in a manner required by this Ordinance until the next scheduled collection day.

**8. Removal by Commercial Haulers.** Except as otherwise provided herein, every owner of a premises shall contract with an individual, entity or firm which is a commercial hauler within the Borough to have all the garbage and rubbish generated on the premises by any of the occupants of the premises removed and deposited in a landfill approved by the Snyder County Solid Waste Management Authority and/or the Pennsylvania Department of Environmental Protection ("DEP"), on a weekly basis or more often. Any owner of a premises may haul garbage and rubbish generated on such premises to the transfer station operated by the Spring Township Board of Supervisors, Spring Township, Snyder County, Pennsylvania, or other DEP approved sites and dispose of the same thereat provided such owner receives and maintains a written dated receipt for his, her or its disposal charge which receipt shall serve a proof of the owner's compliance with this Section.

**9. Duties of Haulers.** Any hauler picking up garbage and/or rubbish within the Borough shall be required to advise the Borough Secretary in writing within 72 hours after request from the Borough Secretary as to whether or not an owner has a current contract for garbage and/or rubbish disposal from his premises within the the Borough. Furthermore, all haulers shall cooperate with the Borough Secretary in providing information in the event that an action is instituted to enforce the terms and conditions of this Ordinance.

**10. Compost Piles, Recycling, and Property Maintenance Code.**

A. Notwithstanding the terms of this Ordinance, compost piles kept by the occupants or tenants of a structure shall not violate the terms and conditions of this Ordinance, 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.

B. Further, nothing in this Ordinance shall supersede the provisions of any ordinance of the Borough requiring recycling of certain materials as set forth in the Borough's Recycling Ordinance and the Borough's Property Maintenance Code which shall remain in full force and effect.

**11. Violations And Penalties.** Any person violating any provisions of this Ordinance is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 and not more than \$300.00, plus costs of prosecution.

**12. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have enacted this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, illegal or invalid.

**13. Effective Date.** This Ordinance shall become effective immediately from the date of its enactment.

DULY ADOPTED this 10<sup>th</sup> day of February, 2009.

BEAVERTOWN BOROUGH,  
SNYDER COUNTY, PENNSYLVANIA

ATTEST:

*Karla G. Thomas*  
BOROUGH SECRETARY

*Abby Reed*  
PRESIDENT OF COUNCIL

(Beavertown Borough Seal)

**APPROVAL BY MAYOR**

Ordinance No. 02 - 2009 is hereby approved this 10<sup>th</sup> day of February, 2009.

Clayd W. Wagner  
MAYOR

## CERTIFICATION

I, Linda G. Thomas, Secretary of the Council of the Borough of Beavertown, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Beavertown Borough Ordinance No. 02 - 2009, which was duly enacted at a regular meeting of the Council of the Borough of Beavertown on the 10<sup>th</sup> day of February, 2009.

Linda G. Thomas, Sec.  
Linda G. Thomas - Beavertown Borough Secretary

*(Beavertown Borough Seal)*

NOTICE is hereby given that the Council of the Borough of Beavertown, Snyder County, Pennsylvania, intends to consider, and anticipates enacting, an ordinance entitled:

**ORDINANCE NO. 02 - 2009**

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This Ordinance is enacted to promote and protect the health, safety, and welfare of the residents of Beavertown Borough by prohibiting the accumulation of garbage and rubbish and requiring the proper storage and disposal of the same. Copies of the proposed ordinance may be inspected at the Beavertown Borough Office, 111 West Walnut Street, Beavertown, Pennsylvania, or at the Law Office of Robert M. Cravitz, Beavertown Borough Solicitor, 503 North Market Street, Selinsgrove, Pennsylvania. The Council intends to consider, and anticipates enacting, the proposed ordinance at its regular meeting at the Council Chambers of the Beavertown Community Building, 111 West Walnut Street, Beavertown, Pennsylvania, on Tuesday, February 10, 2009, at 7:00 p.m., or as soon thereafter as the matter may be considered.

Robert M. Cravitz,  
Beavertown Borough Solicitor

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Please publish this notice in the legal section of your publication of Jan. 31st, 2009, and send bill together with proofs of publication to Linda Thomas, Beavertown Borough Secretary, Beavertown Borough Office, P. O. Box 268, Beavertown, Pennsylvania, 17813. Thank you.

PROTHONOTARY  
SNYDER CO., PA

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