

REFUSE ORDINANCE FOR THE BOROUGH OF LANESBORO SUSQUEHANNA COUNTY, PENNSYLVANIA

Original Adoption December, 1979

Revised and readopted May XX, 2011

An Ordinance of the Borough of Lanesboro, County of Susquehanna, Pennsylvania regulating the manner of collection, costs and disposal of refuse, requiring that all refuse collectors be licensed and prescribing penalties for violation, effective date, and the repeal of conflicting Ordinances.

Be it ordained and enacted and it is hereby Ordained and Enacted by and with the Authority of the Council of the Borough of Lanesboro, County of Susquehanna, Pennsylvania, that:

Section 1 – Definitions

For the Purpose of the Refuse Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates a different meaning. When not inconsistent with the text, words used in the present tense shall include the future, words in the plural include the singular and words in the singular shall include the plural. The word SHALL is always mandatory and merely directory.

- a) Borough is the Borough of Lanesboro, Susquehanna County, Pennsylvania
- b) Residential garbage is all table refuse, animal and vegetable matter, offal from meat, fish and fowl, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded, generated by private residences.
- c) Commercial garbage is all table refuse, animal and vegetable matter, offal from meat, fish and fowl, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded, generated by commercial properties.
- d) Residential refuse is all discarded articles or materials, except sewage and liquid waste and including garbage, ashes, and combustible and non-combustible waste, generated by private residences.

- e) Commercial refuse is all discarded articles or materials, except sewage and liquid waste and including garbage, ashes, and combustible and non-combustible waste, generated by commercial properties.
- f) Person is any natural person, association, partnership, firm, or corporation
- g) Areas of Coverage are those portions of the Borough consisting of real property, whether improved or unimproved, and whether residential, industrial or commercial, fronting on or having an easement of access to and from any of the following highways or streets, or portion thereof where designated:
 - a. Barnes Ave – in its entirety
 - b. Convent Street – in its entirety
 - c. Damascus Road - from North Main Street to the Borough Corporation Boundary
 - d. Depot Street – in its entirety
 - e. Germantown Road – from North Main Street to the Borough Corporation Boundary
 - f. Grand Street – in its entirety
 - g. Grove Street – in its entirety
 - h. Jefferson Street – in its entirety
 - i. Main Street – in its entirety
 - j. North Main Street – in its entirety
 - k. North Depot Street – in its entirety
 - l. Side Ave – in its entirety
 - m. South Main Street – in its entirety
 - n. Tannery Street – in its entirety
 - o. Turnpike Street – it is entirety

Section 2 – Refuse Origin

All garbage originating within the areas of coverage in the Borough shall be disposed of only by removal beyond the limits of the Borough by a licensed collector. In no case may garbage be brought into the Borough for the purpose of disposal therein, nor may garbage be disposed of within the limits of the

Borough by burning. Pending disposal as hereby authorized, garbage may be stored in covered containers and plastic trash bags, securely tied, and in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance or health hazard shall be created or maintained thereby. Except for such temporary storage as is hereby specifically authorized, no person shall keep, have, maintain, store upon or allow to exist in any manner whatsoever, any garbage upon any lot or piece of ground within the limits of the areas of coverage of the Borough.

Section 3 – Disposal of Residential Refuse

All residential refuse accumulated in the areas of coverage in the Borough shall be collected and conveyed and disposed of by the Borough or its duly authorized agent/s. The cost of such service shall be paid for as provided in the Schedule of Fees set forth in Section 5 hereof, by the person producing the refuse or responsible for the existence or disposal thereof, or for whom such refuse is removed.

Section 4 – Disposal of Commercial and Construction Debris Refuse

- a) No person shall remove, haul, or convey any refuse originating within the area of coverage through or upon any of the streets or alleys of the Borough and dispose of the same in any manner or place without a license from the Borough.
- b) The fee for such license shall be \$100 per annum, and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction if the fee for a license issued after the beginning of the calendar year. Every person who shall apply for a license under this section shall, in applying therefore, state the type or types of refuse to be collected and the manner and place of disposal of all refuse to be collected under such license. No such license shall be granted by the Borough if the manner and place of disposal of such refuse shall not conform in every respect to the requirements of this ordinance and the laws of the Commonwealth of Pennsylvania. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him without securing the approval of the Borough.
- c) No licensed collector shall permit any unlicensed collector to take any refuse originating within the area of coverage from premises owned or occupied by him.

Section 5 – Fees

The fees for collection and disposal of residential refuse placed for collection at the edge of the street shall be established annually by the Borough Council during its budgeting process and applicable to the next calendar year.

The fees shall be billed on a monthly basis. Payment can be paid in person by appointment or mailed to Lanesboro G/S Account, PO Box 214, Susquehanna, Pa.

The fee is based on two (2) thirty-two (32) gallon containers of refuse for each household. Each thirty-two gallon (32) container shall consist of no more than four (4) standard white kitchen bags of refuse.

Additional containers of the same or smaller size shall be billed at the rate of Three Dollars (\$3.00) for each additional container. The fee for collection of any additional non-containerized items of refuse including but not limited to appliances and furniture shall be Five Dollars (\$5.00) per item.

All of the fees of this sub-section shall be subject to a discount of 2% if an amount equal to the annual individual account cost is made in the January billing cycle and the account is not in delinquency.

Section 6 – Penalties

All accounts shall be considered delinquent more than 30 days behind. Accounts falling into delinquency are subject to a 10% service charge on the unpaid balance. The service charge shall be calculated monthly.

If an account falls into delinquency longer than 90 days, the following steps will be followed:

- a) All accounts in arrears would be required to pay the current monthly bill, plus a minimum of one month of the past due amount until such time the account is current with no outstanding balance.
- b) A missed payment described hereinbefore will result in a 10-day Notice posting of the residence. The Notice will explain the account's delinquency and request that immediate action be taken to bring the account into good (current) standing.
- c) If the account has not been brought into good (current) standing 10 days after the posting, the water will be shut off and refuse collection will be stopped.
- d) The account must be paid in full for water service to resume.

The stopping of services hereinbefore authorized for non-payment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by action in assumpsit, or at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

Section 7 – Violation

Any person who shall violate or fail to comply with any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$100 and costs of prosecution, and, in default of payment of such and costs, to imprisonment for not more than thirty (30) days, provided that each day's continuance of a violation of this Ordinance shall constitute a separate offense.

Section 8 – Construction

Severability is intended throughout and within the provisions of the Curfew Ordinance. If any provision and inter alia any exception, part, phrase or term of the application thereof to any person or

circumstance is found to be invalid, the application to other persons and circumstances shall not be affected thereby and the validity of the Refuse Ordinance in any and all other respects shall not be affected thereby.

A constitutional construction is intended in all cases and shall be given; Council does not intend to violate the provisions of the Constitution of the United States of America or the Constitution of the Pennsylvania.

Section 9 – Repealer

All Ordinances or parts of Ordinances incompatible with the provisions of this Ordinance are and the same are hereby repealed.

Section 10 – Effective Date

This Refuse Ordinance shall take effect immediately upon its passage and approval.

Adopted this ___th day of May, 2011, by the Borough of Lanesboro, Susquehanna County, Pennsylvania.

(SEAL)

ATTEST:

Todd M. Glover, Council President

E. Gail Hanrahan, Secretary/Treasurer

Christopher J. Maby, Mayor