

*Original*

ORDINANCE NO. 93-1

BROWNSVILLE TOWNSHIP, FAYETTE COUNTY

REMOVAL AND DISPOSAL OF GARBAGE AND RUBBISH

AN ORDINANCE PROVIDING FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND RUBBISH IN BROWNSVILLE TOWNSHIP: PROVIDING FOR THE COLLECTION OF SAID FEES: AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The intent of this ordinance is to provide for the collection, removal and disposal of garbage and rubbish in Brownsville Township, and for the collection of said fees, all for the health and safety of the residents of Brownsville Township, Fayette County.

WHEREAS, the collection and disposal of garbage, rubbish, refuse and other waste materials within the Township of Brownsville, Fayette County, Pennsylvania, has created a problem relating to the health, safety and welfare of the citizens of said township; and

WHEREAS, pursuant to said authority vested in them by the Second Class Township Code, as amended, the Supervisors of Brownsville Township are desirous of enacting an ordinance regulating the collection and disposal of rubbish, refuse and garbage in said Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Brownsville, Fayette County, Pennsylvania, and is hereby enacted and ordained by authority of the same as follows:

Section 1. DEFINITIONS.

Unless otherwise expressly stated, the following terms shall have, for the purpose of this ordinance, meanings herein indicated:

- (a) "Township" - Township of Brownsville, Fayette County, Pennsylvania.
- (b) "Collector" - the person designated by the Borough to collect garbage and rubbish.
- (c) "Producer" - the owner of the premises upon which garbage and rubbish is produced, or the tenant

TRUE AND ATTESTED COPY OF ORIGINAL.

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occupying such premises exclusively as a family residence or for commercial purposes.

- (d) "Premises" - each separate building used for commercial purposes, including hotels and motels, and each separate building used for residence purposes.
- (e) "Secretary" - the Brownsville Township Secretary.
- (f) "Garbage" - any animal or vegetable matter which is subject to fermentation and decay including, but not limited to, fish, fruit, meat, vegetable, house and store sweepings.
- (g) "Rubbish" - all discarded material produced in and about the premises, other than garbage, night soil, stone, earth and discarded building materials.
- (h) "Can" - a portable metal or vinyl container fitted with a tight lid and designed as a receptacle for garbage and rubbish.
- (i) "Person" - natural person, partnership or corporation.
- (j) "Apartment Building" - the dwelling house or other building containing multiple residential units.

Section 2. Every household must have garbage service by the collection service contracted by Brownsville Township. Multiple dwellings will include that each separate living unit will be considered as a household.

Section 3. No person other than the collector shall, after the effective date of this ordinance, collect, remove or dispose of any garbage or rubbish produced within the limits of the Township.

Section 4. Each producer shall provide a sufficient number of cans to contain the accumulation of garbage and rubbish produced on the premises between collections. All cans shall be water tight, equipped with outside handles and tight fitting lids and shall not be of a capacity greater than 33 gallons or that which is agreeable with the collector and Board of Supervisors.

Section 5. All household garbage shall be thoroughly drained and carefully wrapped in paper or plastic before being placed in the can.

Section 6. Rubbish need not be placed in the can but, if not placed in the can, it shall be securely bundled and placed for the collector beside the can.

Section 7. In advance of the scheduled date for collection, which shall be once a week for residential pickup collection, the cans shall be placed in a location easily accessible to the collector.

Section 8. No persons, except the collectors, shall remove any can. No person shall maliciously spill or scatter the contents of any can, or damage or destroy any can.

Section 9. No person shall throw or place any garbage or rubbish in any street, lane, alley, stream or other public place, or on private property, whether owned by such person or not, unless the same be placed in the cans herein provided for. It shall, however, be lawful for any person having upon his premises a properly installed incinerator to use the same.

Section 10. No person, except the collectors engaged by the Borough, shall carry, convey or transport any garbage or rubbish through the streets, lanes or alleys of Brownsville Township, unless the same be contained in tight receptacles or conveyances which shall be securely covered so that the contents cannot be spilled or scattered.

Section 11. The Board of Township Supervisors shall make such reasonable regulations from time to time as may be required for the orderly carrying out of the purposes of this ordinance. No such regulations shall be inconsistent with the provisions of this ordinance.

Section 12. The Board of Township Supervisors shall enforce the provisions of this ordinance.

Section 13. Fees for the services provided for in this ordinance shall be paid to the collector and the garbage collector will be responsible for the collection of fees.

Section 14. It is the responsibility of the owner or rental agent of the property to notify the garbage collector within seven (7) days of a change in renter.

Section 15. The owner of the premises shall be responsible for payment of fees for garbage and rubbish removal, notwithstanding any lease agreements or agreements to purchase.

Section 16. The collector is hereby authorized to demand and receive from the occupants of homes, apartments or dwellings the price so designated in the contract negotiated between Brownsville Township and the collector.

Section 17. No person shall permit garbage or rubbish to accumulate in or upon the premises for a period of more than one week.

Section 18. No person shall in any manner delay, impede or interfere with the collector in the performance of his duties.

Section 19. Collector shall report any violation of this ordinance observed by him to the Board of Township Supervisors.

Section 20. The Board of Township Supervisors shall have the right to revoke the license of any collector for failure to comply with the terms and collections of this ordinance. Before any such revocation, the collector shall be furnished with a brief statement in writing of the complaint against him, and be given an opportunity to be heard before the Board of Township Supervisors. Such hearing shall be held on ten (10) days written notice to the collector who shall be permitted to be represented by council, to cross-examine any witnesses, and to offer any evidence relevant to the complaint in defense. After such hearing, the Board may, by a majority vote, revoke the license of the collector, in which event there shall be no refund of any part of the license fee paid.

Section 21. Any person/s, owners or tenants violating any of the provisions of this ordinance shall upon conviction be sentenced to pay a fine not to exceed \$500.00 but not less than \$25.00, and in default thereof be subject to imprisonment of not more than 30 days.

Section 22. This Ordinance rescinds any previous Garbage Collection Ordinance, specifically, Ordinance No. 2-81.

Section 23. This ordinance shall become effective on the 1st day of August, 1993.

ORDAINED and adopted on the 6th day of July, 1993.

Homer Yeardie  
Homer Yeardie

ATTESTED:

Edith M. Jenney  
Edith M. Jenney  
clerk

Timothy L Scott  
Timothy Scott

Barry Bookshar  
Barry Bookshar