

Ord. #1

(1)

of
1984

AN ORDINANCE AMENDING THE BOROUGH OF AVOCA

OFFICIAL ORDINANCE BOOK CHAPTER V ARTICLE I GARBAGE and REFUSE

AN ORDINANCE RELATING TO THE SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE ESTABLISHMENT OF A PRINCIPAL COLLECTION AND DISPOSAL SERVICE FOR ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED IN THE BOROUGH, AND THE SETTING OF A FEE FOR THE COLLECTION AND DISPOSAL.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF AVOCA AND IS HERBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

Section 1. Definitions:

That the following words when used in this ordinance shall have the following meanings ascribed to them:

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

2. Commercial Garbage: All waste products normally generated by commercial and industrial establishments not to exceed the equivalent of four (4) fifty (50) gallon containers per week.

3. Refuse: All waste products normally generated by non-commercial households.

4. Ashes: The residue from the burning of wood, coal, coke and other combustible materials for the purpose of heating and cooking in residences.

5. Dwelling Unit: A dwelling unit consists of one or more rooms for living purposes together with separate cooking facilities, used or intended to be used by one or more persons living together and maintaining a common household and accessible from the outdoors, and accessible either directly or through an entrance hall shared with other dwelling units.

LAW OFFICES OF JOSEPH J. CARMODY, WEST PITTSBURGH, PENNSA.

6. Commercial Establishment: Any business establishment open to the public which generates refuse or garbage.

Section 2. Administration

The collection and disposal of refuse in the Borough of Avoca shall be under the supervision of the Borough Council of the Borough of Avoca. They shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection and disposal as may be advisable, including the designation of a person or organization to collect the fees and to set the compensation for the same.

Section 3. Pre-Collection Practices

1. Ashes shall be placed in separate containers from garbage and rubbish.
2. Tree trimmings, hedge clippings and similar material shall be cut and placed in garbage bags or tied in bundles not to exceed two (2) feet thick and four (4) feet in length.

Section 4. Refuse Containers

1. Garbage containers shall be of a capacity of not more than twenty (20) gallons and shall be provided with tight fitting covers.
2. Ash containers shall be of metal and have a capacity of not more than twenty (20) gallons.

3. Rubbish containers shall be of a suitable kind, which can be easily handled by one man; such as a plastic bag.

Section 5. Storing of Refuse

1. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the Borough of Avoca, except that it be in proper receptacles for collection or under express approval granted by the Borough Council.

2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.

Section 6. Collection Practices

1. Refuse shall be collected once each week, except either during the spring or fall when one week will be set aside for one extra collection of articles too big for the weekly collection.

2. A charge of fifteen (\$15.00) Dollars shall be made for the use of the Borough truck for collection of any material at times other than mentioned above.

Section 7. Fees

1. The fees for the collection and disposal of refuse placed for collection shall be as follows:

2. For single dwelling units and commercial establishments, Thirty (\$30.00) Dollars per year for garbage, rubbish and ashes.

3. All fees are payable by March 1, 1984 and the yearly anniversary date thereafter.

4. All fees shall be considered delinquent if not paid by April 1 of each year. All delinquent users shall have service discontinued until the fees are paid unless Borough Council specifically directs otherwise.

5. The charge for said fee is hereby imposed on the real property owner(s) of the dwelling units and commercial establishments.

Section 8. Penalties

Any person, whether as principal, agent or employee, violating or assisting in the violation of the provisions of this ordinance or any regulation made by the Borough Council, under the provisions of this ordinance, shall, on conviction thereof before a District Justice shall pay a fine of not less than twenty five (\$25.00) Dollars and not more than three hundred (\$300.00) dollars and

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in default of the payment of such fine and costs shall be imprisoned in the Luzerne County Jail for a period of not more than ten (10) days.

Section 9.

This ordinance is enacted to help defray the cost of refuse collection and Council shall have the authority to designate what Borough accounts revenues collected from this ordinance can be deposited in and dispersed from.

Section 10. Repeal

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 11.

This ordinance shall be effective January 1, 1984.

Duly adopted at a special meeting of Avoca Borough Council December

28, 1983.

ATTESTED:

Maria B. B...
Secretary

APPROVED:

James Lavell
President of Council

NOW, this 28th day of DECEMBER 1983, I hereby approve/disapprove this ordinance.

Donald J. Bailey
Mayor

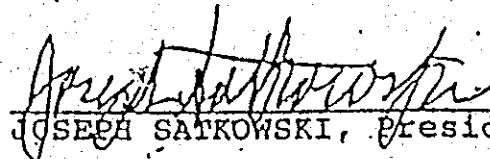
LAW OFFICES OF JOSEPH J. CARMODY, WEST PITTSBURGH, PENNA.

ORDINANCE AMENDING THE
BOROUGH OF AVOCA OFFICIAL ORDINANCE BOOK
Chapter V, Article 1, Garbage and Refuse,
Section 7, subsection 7


BE IT ENACTED AND ORDAINED that the Avoca Borough Council hereby adds Subsection 7 to Fees of the Garbage and Refuse Ordinance to read that "a late charge of 5% shall be added to the collection fee if not paid by April 1st of each calendar year. Thereafter, an additional 1% shall be added for each calendar month said fee remains unpaid.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

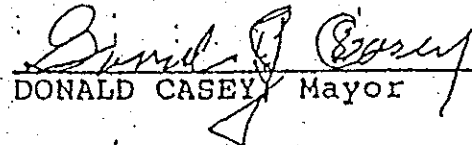
DULY ADOPTED AT A REGULAR MEETING OF THE AVOCA BOROUGH COUNCIL, April 3, 1986.


JOSEPH SARKOWSKI, President

ATTEST;


MARTIN R. BOONE, Secretary

NOW, this day of April, 1986, I hereby approve the same.


DONALD CASEY, Mayor