

ORDINANCE NO. 40

An Ordinance of the Township of Pymatuning, County of Mercer, Commonwealth of Pennsylvania, providing for the collection of garbage and rubbish and fixing fees and penalties.

BE IT ORDAINED and enacted by the Board of Supervisors of Pymatuning Township and it is hereby ordained and enacted by and with the authority of the same as follows:

Section 1. For the purpose of this ordinance the word "garbage" shall be considered to mean the animal or vegetable refuse from storage, vending, sale, preparation or use of foodstuffs, such as meats, fish, fruits or vegetables.

Section 2. For the purpose of this ordinance the word "rubbish" shall mean all refuse, junk, trash, dross, scrap, litter, papers, pasteboard, rags, mattresses, worn out furniture, old clothing, old shoes, old rubbers, leather, carpets, broken glass, crockery, bottles, straw, excelsior, floor sweeping, old metal packing boxes and barrels and broken parts thereof, tin cans, Christmas trees, tree cuttings, leaves, grass cuttings, cut or pulled weeds and brush, household refuse, solid or liquid industrial waste, and all other similar waste matters and materials not defined herein as garbage.

Section 3. For the purpose of this ordinance the words "cans and bottles" shall mean all cans and bottles whatever having a capacity of five gallons or less.

Section 4. The township does hereby declare its intent to enter into a contract with an independent contractor under which the independent contractor will have the exclusive right to collect and haul all garbage and rubbish

consisting of cans, bottles and ashes, originating from family dwelling units within the township, and all garbage and rubbish of every description originating from commercial establishments.

Section 5. Each person, firm or corporation operating a commercial establishment from which garbage or rubbish is removed shall pay monthly and not later than the fifth day of each month to the contractor engaged by the township the following charges for the removal of garbage or rubbish during the immediate preceding month:

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|----------------------------------|------------------------------|
| (a) Garbage | \$ 1.00 to \$20.00 per month |
| (b) Cans, bottles and ashes | \$.50 to \$5.00 per month |
| (c) Wastepaper and other rubbish | \$.50 to \$15.00 per month |

provided that in exceptional cases additional charges shall be made.

Section 6. The occupant of each single family dwelling unit from which garbage, cans or bottles are collected shall pay monthly and not later than the tenth day of each month to the collector engaged by the Township the sum provided for by the contract between the Township and the collector for the collection and removal of garbage or cans and bottles during the immediate preceding month. Failure on the part of any customer to pay the aforementioned monthly charge within the time required for payment shall constitute sufficient reason for the contractor to discontinue the collecting and hauling service for the defaulting customer. It shall be unlawful for any person, firm or corporation who is under contract with the Township for the collection of garbage and rubbish in the township to collect any charge in advance of rendering the collecting and hauling service unless the contractor files with the Township Secretary a bond with corporate surety satisfactory to the Township in the amount of \$4,000.00 conditioned upon the collector's returning to the customer any payment collected by him in advance for any period where during such

period he has not rendered the service as required by his contract with the Township.

Section 7. Each customer for the removal of garbage shall provide at his own expense suitable watertight containers with handles and tight fitting covers and weighing, with contents, not more than 70 pounds. All garbage shall be thoroughly drained of water and other liquids and tightly wrapped in paper and deposited in said garbage container. No gasoline, oil, kerosene, benzine or other highly inflammable or explosive liquid or material shall be placed in said garbage container.

Section 8. All containers shall be kept covered and after they are emptied shall be cleaned by the owners or users thereof.

Section 9: The containers shall be placed at a point on the premises where they will be readily accessible to the collector.

Section 10. Cans and bottles shall be deposited in containers suitable for handling the same, separate and apart from the containers required for garbage.

Section 11. The vehicles used for the collection of garbage shall be of substantial construction, watertight and provided with covers which shall be closed at all times except when garbage is being placed in the vehicle.

Section 12. After the effective date of this ordinance it shall be unlawful for any person, firm or corporation other than contractors with or employees of the township, to collect, dispose of or haul over the streets and alleys of the township any garbage, as hereinbefore defined, or rubbish of any kind originating from commercial establishments, and it shall be unlawful for any person, firm or corporation other than contractors with or employees of the township to collect, dispose of or haul over streets and alleys of the township any garbage as hereinbefore defined or any cans or bottles originating from any

family dwelling unit, provided, however, that the owner or tenant of any premises owned or occupied by him may dispose of garbage originating from the premises owned or occupied by him in the following manner:

(a) By burning it in an incinerator, furnace or stove located on the premises where the same originated, provided such incinerator, furnace or stove is connected to a stack having a height of at least 20 feet above the ground level, and provided disposal by this means does not create a nuisance;

(b) By burying it under the ground and covering it in such a manner that it does not create a nuisance;

(c) By discharging it into a sanitary sewer system of the township or any septic tank system after it has been thoroughly disintegrated by means of a mechanical disposal unit,

and provided, however, that the owner or tenant of any premises owned or occupied by him may dispose of any rubbish originating from the premises owned or occupied by him on said premises in any manner that does not create a nuisance.

Section 13. It shall be unlawful for any person, firm or corporation to handle or dispose of any garbage except as hereinbefore provided, and it shall be unlawful for any person, firm or corporation to dump or deposit any garbage or rubbish on any streets or alleys of the Township.

Section 14. No garbage or rubbish shall be dumped or deposited on any property within the township of Pymatuning except that any owner or occupant of land may dispose of any garbage or rubbish originating from the land owned or occupied by him in the manner hereinbefore described.

Section 15. Any person, firm or corporation violating any of the provisions of this ordinance, except the provisions relating to the charges for services, shall upon conviction before any justice of the peace of the Township of Pymatuning be subject to pay a fine of not less than \$10.00 nor more than \$200.00, to be collected as other fines are collected by law, and in case of default of payment, to undergo imprisonment in the county jail for a period not exceeding thirty days.

Section 16. If any part of this ordinance is determined to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the remaining parts of this ordinance.

Section 17. Any ordinance now in effect in the township inconsistent with the terms of this ordinance is hereby repealed.

Passed by the Supervisors of Pymatuning Township this 30 day of December, 1963.

Herbert C. Johnson

Wayne Rust

L E McRough

Supervisors of Pymatuning Township