

ORDINANCE 2005-4

AN ORDINANCE OF THE BOROUGH OF NEW BERLIN REGULATING ACCUMULATED JUNK, RUBBISH AND GARBAGE, RESTRICTING THE USE AND PLACEMENT OF GARBAGE STORAGE CONTAINERS AND RESTRICTING THE USE AND PLACEMENT OF REFUSE STORAGE CONTAINERS USED IN CONNECTION WITH THE CONSTRUCTION, RECONSTRUCTION, REPAIR OR DEMOLITION OF ANY, PREMISES BEING LOCATED ON ANY PROPERTY, STREET, SIDEWALK OR OTHER PUBLIC RIGHT -OF-WAY WITHIN THE LIMITS OF THE BOROUGH OF NEW BERLIN AND AUTHORIZING THE REMOVAL THEREOF AND DESCRIBING PENALTIES FOR VIOLATION

WHEREAS, it is recognized that garbage and storage containers placed for an extended period of time within the Borough of New Berlin, where they are open to the public and/or available to be accessed by the public, are detrimental to the health and safety of the community.

BEING ENACTED AND ORDAINED by the Mayor and Borough Council of the Borough of New Berlin, Union County, Pennsylvania.

SECTION 1: Definitions

- a. **Garbage** - All table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof (and other articles and materials ordinarily used for food and which have become unfit for such use or which are for any reason discarded). Including market refuse and waste from the handling, storage and sale of produce.
- b. **Rubbish and Refuse** - Combustible paper, boxes, cartons, wood and excelsior, trees and yard trimmings, furniture and bedding, noncombustible metals, tin cans, bottles, crockery and mineral refuse.
- c. **Refuse and/or Garbage Storage Containers** - defined herein as a dumpster or other container with a holding capacity in excess of 100 pounds.

SECTION 2: Accumulated Garbage, Junk, Rubbish, and Buildings in Disrepair

- a. It is declared as a nuisance and/or danger to the public and therefore prohibited within the Borough of New Berlin to

accumulate garbage, to store improperly contained hazardous materials, and to accumulate garbage, rubbish and refuse as defined herein.

- b. It is declared as a nuisance and/or danger to the public and therefore prohibited to burn accumulated garbage, hazardous materials, junk and rubbish, that would cause noxious odors and create a health hazard or nuisance within the Borough of New Berlin, Pennsylvania.
- c. It is directed that all dangerous structures on public or private grounds, which could cause harm to children or other members of the public, or pose a risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals, be prohibited within the Borough of New Berlin, Pennsylvania.

SECTION 3: Refuse Storage Containers

All refuse storage containers used in connection with construction, reconstruction, repair or demolition of a premises that is utilized on any property, street, sidewalk, or other public right-of-way within the limits of the Borough of New Berlin must abide by the rules set forth in this ordinance unless the Council of the Borough of New Berlin grants an exception.

- a. Owner/lessee and/or User/lessee of the refuse storage container assumes responsibility for the provisions set forth in the ordinance and its safe use.
- b. The refuse storage container shall be used only in connection with construction, reconstruction, repair or demolition of a premises. No material other than that obtained in connection with construction, repair or demolition of a premises shall be placed in said refuse storage container.
- c. The refuse storage container shall be maintained in a sanitary condition and covered at the conclusion of each work day. The exposed area shall have reflectors or reflective tape attached and shall be secured in such fashion so as to protect same from the public.
- d. The refuse storage container shall be emptied promptly when full.

- e. Owner/lessee and/or User/lessee of the refuse storage container shall be fully liable for any damage to roadways, curbs, or sidewalks or to any damage of property and will be fully liable for any personal injury to another which may be incurred as a result of the placement and/or usage of said refuse container.
- f. The Borough of New Berlin has the right to determine the placement of said container and/or direct its removal should its use conflict with street closings, paving, special events, or for any reason the Borough feels necessary.

SECTION 4: Garbage Storage Containers

All garbage storage containers defined herein used in connection with garbage collection that is utilized on any property, street, sidewalk or other public right-of-way in the proximity of any residential or commercial property within the limits of the Borough of New Berlin, must abide by the rules set forth in this ordinance unless an exception is granted by the Council of the Borough of New Berlin:

- a. Owner/lessee and/or User/lessee of the garbage storage container assumes responsibility for the provisions set forth in the ordinance and its safe use.
- b. The garbage storage container shall be maintained in a sanitary condition and be covered. The exposed area of the container shall have reflectors or reflective tape attached and shall be secured in such fashion so as to protect same from the public.
- c. Garbage storage container shall be emptied at least once every other week or when full, which ever may occur first.
- d. Owner/lessee and/or User/lessee of the garbage storage container shall be fully liable for any damage to roadways, curbs, or sidewalks or to any damage of property and will be fully liable for any personal injury to another that may be incurred as a result of the placement and/or usage of said garbage container.
- e. The Borough of New Berlin has the right to determine the placement of said garbage container and/or direct its removal should its use conflict with street closings, paving, special events, or for any reason the Borough feels necessary

SECTION 5: Any ordinances or parts of ordinances inconsistent herewith are expressly repealed.

SECTION 6: A verbal or written warning will be given to any person, firm, or corporation who shall violate or fail to comply with any of the provisions of this ordinance and a period of forty-eight (48) hours will be given to comply fully with its provisions. If any person, firm, or corporation shall continue to violate or fail to comply after forty-eight (48) hours, the Borough will begin legal proceedings and upon conviction thereof before any District Justice be sentenced to pay a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Six-Hundred Dollars {\$600.00} plus costs of prosecution and/or suffer imprisonment for up to Thirty (30) days or both. The continuation of such violation for each successive day shall constitute a new and separate offense and the person or persons allowing the continuation may be punished as provided above for each separate offense.

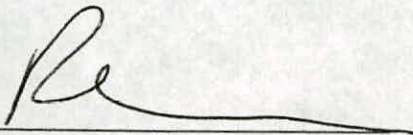
SECTION 7: Effective Date


This ordinance shall become effective upon adoption.

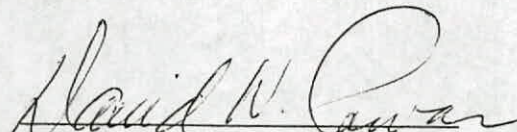
ENACTED AND ORDAINED as an ordinance of the Borough of New Berlin, Union County, Pennsylvania this 9th day of November, 2005.

ATTEST:

NEW BERLIN BOROUGH COUNCIL


Secretary


President of Council


Mayor