

BOROUGH OF THROOP
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 OF 1988

AN ORDINANCE PROHIBITING THE STORAGE OF REFUSE WITHIN THE BOROUGH

WHEREAS, the unregulated storage of refuse creates public health hazards, environmental pollution and irreparable harm to the health, safety and welfare of the public.

NOW, THEREFORE IT IS HEREBY RESOLVED AND ORDAINED by the Borough Council of the Borough of Throop, Lackawanna County, Pennsylvania, that:

SECTION 1. PURPOSE

It is the purpose of this Ordinance to protect the public health, safety and welfare from the hazards of storage of refuse.

SECTION 2. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meanings given to them when used in this section unless the context clearly indicates otherwise:

- A. "Borough" shall mean the Borough of Throop, Lackawanna County, Pennsylvania.
- B. "Individual" shall mean any natural person, association, partnership, co-partnership, firm, corporation, institution, cooperative enterprise, township, borough, county, city, state, municipality, and/or municipal authority, or in any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "individual" shall include the officers and directors of any corporation or other legal entity having officers and directors. The singular shall mean the plural and the masculine shall include the feminine and neuter.
- C. "Refuse" shall mean any material discarded by an individual and shall include not by a way of limitation but by explanation, all putrescible and non-putrescible solid wastes (excluding body wastes), rubbish, trash, garbage, solid matter, semi-solid matter, liquid matter, all contained gaseous matter, animal matter, vegetative matter, synthetic matter and ashes.
- D. "Storage" shall mean the containment of any refuse on a temporary basis in such a manner as not to constitute disposal of such waste.
- E. "Disposal" shall mean the incineration, deposition, injection, dumping, spilling, leaking, or placing of refuse into or on the land or water in a manner that the refuse or a constituent of the refuse enters the environment, is emitted into the air or is discharged to the waters of this Borough.

SECTION 3. PROHIBITION AGAINST STORAGE OF REFUSE.

No public or private property shall be used as a storage area for refuse, nor shall any individual permit, or allow the storage, depositing, or dumping of any refuse on any public or private property within the Borough. Provided that this section shall not apply to the onsite storage of any refuse generated thereon.

SECTION 4. PROHIBITION OF STORAGE OF REFUSE IN VEHICLES.

No public or private street, sidewalk, or lands within the Borough shall be used so as to permit or allow the storage of refuse in any trucks, tractor-trailer, or component tractor or trailer part within the Borough for a period exceeding one (1) hour, nor shall any individual permit or allow the storage of any refuse in any truck, tractor trailer, or component tractor trailer part on any public or private property within the Borough for a period exceeding one (1) hour. Provided that this section shall not apply to the onsite storage of any refuse generated thereon.

This section shall apply to any such vehicle on any private or public property of the Borough of Throop whether attended or unattended except while actually making delivery of refuse to a duly licensed landfill during operating hours or receiving for shipment of refuse generated on site from a business place or residence.

SECTION 5. SEPARATE OFFENSES

A separate offense of Section 4 shall be deemed committed for each truck, tractor-trailer or component tractor or trailer part thereof used to commit a violation thereof.

SECTION 6. PENALTIES.

Any individual violating any provisions of this Ordinance shall upon conviction be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) for each separate offense together with costs of prosecution, and in default of payment of such fine and costs, be sentenced to imprisonment for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or in which a violation occurs or continues.

SECTION 7. SEVERABILITY AND AMENDMENT.

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains workable minus the invalid portion.

The Borough Council reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 8. REPEAL.

All Ordinances or parts thereof in conflict with the provisions of this Ordinance is hereby repealed.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its being adopted.

THEREFORE, IT IS HEREBY ORDAINED AND DECREED this _____ day of _____, 1988 that the foregoing Ordinance is approved and adopted.

BOROUGH OF THROOP:

Mab Moyal
PRESIDENT OF COUNCIL

John McDonald
BOROUGH ADMINISTRATOR

Approved and adopted this 29 day of AUGUST, 1988.

Voting for the Resolution and the recorded vote was as follows:

AYES 7 NAYES 0 ABSENT 0

John F. Steece
MAYOR OF THROOP