

LACKAWXEN TOWNSHIP, PIKE COUNTY, PA
ORDINANCE PROHIBITING THE IMPROPER
DISPOSAL OF WASTES

Ord # 100

AN ORDINANCE BY LACKAWAXEN TOWNSHIP PROHIBITING THE IMPROPER DISPOSAL OR DUMPING OF ALL WASTES, INCLUDING: MUNICIPAL WASTES, CONSTRUCTION WASTE, HAZARDOUS WASTE, HOUSEHOLD HAZARDOUS WASTE, RESIDUAL WASTE, RECYCLABLE MATERIAL AND JUNK AND DEBRIS; ESTABLISHING A PRESUMPTION OF OWNERSHIP FOR WASTE; AND IMPOSING VIOLATION PROCEDURES AND PENALTIES.

Section 1. Purpose. The improper disposal and storage of trash and rubbish, as well as littering, are costly problems that contribute to the deterioration of property values in a community, negatively impact the public areas of the Township and cost time and money to clean up. Recognizing these are community problems, the purpose of this Ordinance is to create a clean environment for the citizens and property owners of Lackawaxen Township.

Section 2. Definitions.

The following words, terms, and phrases, when used in this Part, shall be defined as follows, unless context clearly indicates otherwise:

DUMPING - includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products, and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

GARBAGE - the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HAZARDOUS WASTE - any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW) - waste which would be chemically or physically classified as a hazardous waste, but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive, or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints, and acids.

LACKAWANNA TOWNSHIP PIKE COUNTY PA
ORDINANCE PROHIBITING THE IMPROPER
DISPOSAL OF WASTE

AN ORDINANCE BY LACKAWANNA TOWNSHIP PROHIBITING THE IMPROPER DISPOSAL OR
DUMPING OF ALL WASTE INCLUDING MUNICIPAL WASTE, CONSTRUCTION WASTE,
HAZARDOUS WASTE, HOUSEHOLD HAZARDOUS WASTE, RESIDUAL WASTE, RECYCLABLE
MATERIAL AND LUM AND DEBRIS; ESTABLISHING A PRESCRIPTION FOR OWNERSHIP FOR
WASTE AND IMPOSING VIOLATION PROCEDURES AND PENALTIES.

Section 1. Purpose. The improper disposal and storage of trash and rubbish, as well as
leaking and costly problems that contribute to the deterioration of property values in a
community, negatively impact the public areas of the Township and cost time and money to
clean up. Recognizing these are community problems, the purpose of this Ordinance is to
create a clean environment for the citizens and property owners of Lackawanna Township.

Section 2. Definitions.
The following words, terms and phrases when used in this Part, shall be defined as follows,
unless context clearly indicates otherwise:

DUMPING - includes, but is not limited to, depositing of inert, depositing durable goods
(refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles,
vehicle parts and automotive products, and other such municipal waste, hazardous waste,
residual waste and construction or demolition debris on public or private property, except as
authorized by law.

HAZARDOUS - the animal or vegetable waste resulting from the handling, preparation,
cooling and consumption of food.

HAZARDOUS WASTE - any waste material or a combination of solid, liquid, sludge, or
contained gaseous material that because of its quantity, concentration, physical, chemical, or
infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious
injury or incapacitating illness.
- (2) Pose a substantial present or potential hazard to human health or the environment when
improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW) - waste which would be classified as
physically classified as a hazardous waste, but is excluded from regulation as a hazardous
waste because it is produced in quantities smaller than those regulated by the Pennsylvania
Department of Environmental Protection and because it is generated by persons not
otherwise covered as hazardous waste generators by those regulations. Such HHW materials
used are of the following four classifications: toxic, flammable, reactive, or corrosive. HHW
consists of numerous products that are common to the average household such as pesticides
and herbicides, electronic automotive products, paints and solvents.

INDOOR FURNITURE - any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

LITTER - includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

MUNICIPAL WASTE - any garbage, refuse, industrial, lunchroom, or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

NUISANCE - any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Township.

PERSON - every natural person, firm, corporation, partnership, association, or institution.

PRIVATE PROPERTY - any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

RECYCLABLE MATERIAL - material which would otherwise become municipal waste, which can be collected, separated, or processed, and returned to the economic main-stream in the form of raw materials or products. These materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires, and large auto parts.

RESIDUAL WASTE - any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

Section 3. Violations

A. Improper disposal or dumping of all Wastes listed in the Definitions, as well as garbage, indoor furniture and recyclable materials, when such disposal or dumping is done on vacant, unoccupied, the private property of another.

B. Littering or Scattering Rubbish. No person shall throw, dump, place, sweep, or dispose of any waste, trash, garbage, or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property.

C. Outside Placement of Indoor Appliances/Furniture. It is prohibited to store or place any/all appliances or furniture including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property.

D. Storing of Hazardous Material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive, or other hazardous materials including, but not limited to, paints, volatile oils and cleaning fluids, or combustible rubbish including, but not limited to, wastepaper, boxes, or rags unless the storage of said materials is stored in compliance with the PA Uniform Construction Code.

E. Storing of Recyclables. It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers, which must be kept clean and sanitary at all times. Failure to do so will be a violation of this Ordinance.

F. Ownership Presumption of Waste, Trash, and/or Recyclables for Illegal Dumping. It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash, or recyclables in a proper manner. Any items found within a municipal waste container, recycling container, garbage bag, or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. Any waste, trash, or recyclables found not to be disposed of in accordance with this Section will be a violation of this Ordinance.

Section 4. Enforcement

A. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer or such other Township agent as the Supervisors shall designate.

B. Any violation of the provisions of this Ordinance may be cause for a notice of violation to be issued to the violator and a complaint to be filed with the District Magistrate.

C. Separate Offense. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

Section 5. Fines and Penalties; Costs and Attorney Fees, Equitable Remedies.

A. Any person or other legal entity, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof before any District Justice, be subject to the fines and penalties prescribed by the Pennsylvania Second Class Township Code, as amended. Each day of violation shall constitute a separate offense, for which a summary conviction may be

B. Littering or dumping rubbish. No person shall throw, dump, place, sweep or deposit any waste, trash, garbage, or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property.

C. Outside placement of indoor Appliances. It is prohibited to store or place any electrical appliances or furniture including but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property.

D. Storage of hazardous material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive, or other hazardous materials including but not limited to paints, solvents, oils and cleaning fluids, or combustible rubbish including but not limited to newspaper boxes or bags unless the storage of said materials is shown to be in compliance with the PA Uniform Construction Code.

E. Storage of Recyclables. It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers which must be kept clean and empty at all times. Failure to do so will be a violation of this Ordinance.

F. Outside Placement of Waste, Trash and/or Recyclables for Illegal Dumping. It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash, or recyclables in a proper manner. Any items found within a municipal waste container, recycling container, garbage bag, or loose trash/waste displaying the name and/or address of a person and/or person that trash or waste shall be presumed to be the property of such person and/or persons. Any waste, trash, or recyclables found not to be disposed of in accordance with this Section will be a violation of this Ordinance.

Section 4. Enforcement

A. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer or such other Township agent as the Supervisor shall designate.

B. Any violation of the provisions of this Ordinance may be cause for a notice of violation to be issued to the violator and a complaint to be filed with the District Magistrate.

C. Separate Offense. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

Section 5. Fines and Penalties, Costs and Attorney Fees, Remedial Remedies

A. Any person or other legal entity, whether as principal or agent, who violates this Ordinance or creates or abets its violation, shall upon conviction thereof before any District Justice be subject to the fines and penalties provided by the Pennsylvania Second Class Township Code in addition to each day of violation shall constitute a separate offense for which a separate fine may be imposed.

sought. All fines collected for the violation of this Ordinance shall be paid to Lackawaxen Township.

B. Costs and Attorney Fees. If a person is found to be in violation of this Ordinance, in addition to the fines that may be imposed as set forth above, the violator shall also be responsible for all costs and reasonable attorney fees incurred by the Township as a result of the violation.

C. Equitable and Other Remedies

In addition to the fines and penalties prescribed in 5.A above, the Township may enforce this Ordinance by equitable, injunctive and other remedies of law, and shall recover from the violators reasonable attorney fees, court costs and other costs incurred by the Township in enforcing this Ordinance.

Section 6. Restitution. The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

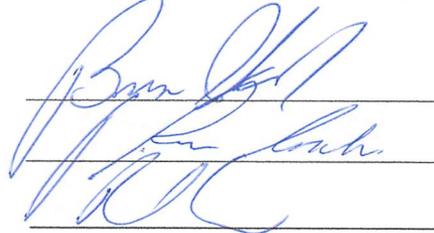
Section 7. Severability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any parts thereof.

Section 8. Repealer. All other Ordinances or sections of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9. Adoption

This Ordinance is hereby adopted and enacted this 19th August, 2013 and shall become effective five (5) days after its enactment.

LACKAWAXEN TOWNSHIP SUPERVISORS



Attest:



Township Secretary

source. All fines collected for the violation of this Ordinance shall be paid to Lakewood Township.

B. Costs and Attorney Fees. If a person is found to be in violation of this Ordinance, in addition to the fines that may be imposed as set forth above, the violator shall also be responsible for all costs and reasonable attorney fees incurred by the Township as a result of the violation.

C. Equitable and Other Remedies

In addition to the fines and penalties prescribed in A. above, the Township may enforce this Ordinance by equitable, injunctive and other remedies of law, and shall recover from the violator reasonable attorney fees, court costs and other costs incurred by the Township in enforcing this Ordinance.

Section 6. Enforcement. The Municipal Court Judge may order the violator to make restitution to said real or personal property owner.

Section 7. Severability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any parts thereof.

Section 8. Repealer. All other Ordinances or sections of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9. Adoption

This Ordinance is hereby adopted and enacted this _____ day of _____, 2013, and shall become effective five (5) days after its enactment.

LAKWOOD TOWNSHIP SUPERVISORS

[Handwritten signatures and lines]

Attest:

[Handwritten signature]
Township Secretary