

**BOROUGH OF JERMYN**

**ORDINANCE NO. 2-98**

**AN ORDINANCE AMENDING ORDINANCE 290 OF 1990 AND PROHIBITING THE PLACEMENT OF REFUSE FOR COLLECTION MORE THAN 24 HOURS BEFORE THE TIME OF COLLECTION WITHIN THE BOROUGH, AND OTHERWISE INCORPORATING BY REFERENCE HEREIN ORDINANCE 290 OF 1990 IN ITS ENTIRETY.**

By the powers granted to the Borough of Jermyn by the Pennsylvania Borough Code, 53 P.S. Section 45101 et seq., including, but not limited to, the power to amend such ordinances as it shall deem beneficial to the Borough of Jermyn, 53 P.S. Section 46006(3), be it ENACTED and ORDAINED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the Jermyn Borough Council as follows:

**Section I. Title.**

This Ordinance shall be known as the "Ordinance Amending Ordinance No. 290 of 1990."

**Section II. Policy.**

Pursuant to its authority under 53 P.S. Section 46202(17), as amended, to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough of Jermyn; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to make such regulations as may be necessary for the health, safety and general welfare of the Borough of Jermyn and its residents; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to impose fines and penalties; pursuant to its authority under 53 P.S. Section 46202(74), as amended, to make and adopt all such ordinances as may be

expedient or necessary for the proper management, care or control of the Borough of Jermyn and the maintenance of peace, good government, safety and welfare of the Borough of Jermyn and its citizens; and pursuant to its authority under 53 P.S. Section 46006(3), as amended, to enact and amend such ordinances as it shall deem beneficial to the Borough of Jermyn and to provide for the enforcement of same, the Jermyn Borough Council enacts the within Ordinance.

It is the desire and intent of the Jermyn Borough Council to ensure that the safety and general welfare of the Borough of Jermyn and its citizens is in the best possible condition for both safety and financial reasons. Therefore, in order to provide for the health, safety and general welfare of the Borough of Jermyn and its citizens, the Jermyn Borough Council enacts the within Ordinance.

**Section III. Incorporate by Reference Ordinance 290 of 1990.**

This Ordinance incorporates by reference as though fully set forth herein Ordinance 290 of 1990.

**Section IV. Definitions.**

A. BOROUGH - "Borough" shall be defined and is hereby defined as the Borough of Jermyn, Lackawanna County, Pennsylvania, the Mayor of the Borough of Jermyn, the Jermyn Borough Council and any duly authorized member or agent of any of the above.

B. 24 HOURS BEFORE THE TIME OF COLLECTION - "24 hours before the time of collection" shall be defined and is hereby defined as 12:00 o'clock a.m. on the date immediately preceding the date scheduled for pickup of refuse in the Borough by the Borough's designated refuse collector at the time.

**Section V. Disturbance of containers; placement.**

A. It shall be unlawful for any person, persons or corporation to take refuse or its containers from, or disturb in any manner containers placed, on the sidewalks or

curbside or elsewhere for collection by residents of the Borough on the day and time duly designated and set apart by the Borough for collection of refuse.

B. Except for a period of twenty-four (24) hours before the time of collection by that agent authorized by Borough Council, no person shall place any refuse or other waste material upon any street, sidewalk or curb, or other public property or right of way, within the Borough of Jermyn. Any such material placed for collection shall be in a fully enclosed container or so packaged as to prevent the intrusion or scattering by animals or by the forces of wind, or otherwise.

#### **Section VI. Penalties.**

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction therefore, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution; each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

#### **Section VII. 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, then such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as the Ordinance remains workable minus the invalid portion.

#### **Section VIII. Repeal of Conflicting Ordinances.**

The within Ordinance supersedes and repeals all former and prior Ordinances or parts thereof which conflict or are inconsistent with the provisions of this Ordinance, and to the extent that any prior or existing Ordinances of the Borough of Jermyn are inconsistent with the terms of the within Ordinance, said inconsistent Ordinances or inconsistent portions thereof are hereby repealed.

#### **Section IX. Effective Date.**

This ordinance shall become effective thirty (30) days from the date of its enactment herein.

ENACTED AND ORDAINED THIS 12 DAY OF FEBRUARY 1998.

BOROUGH COUNCIL OF THE  
BOROUGH OF JERMYN

*Deborah Morcom* (SEAL)  
DEBORAH MORCOM  
Manager

*Philip MARRARA*  
PHILIP MARRARA  
President

EXAMINED AND APPROVED THIS 12 DAY OF FEBRUARY 1998.

BY: *James W. Buckingham*  
JAMES BUCKINGHAM  
Mayor