

Rec'd.  
12-22-94  
JHS

ORDINANCE NO. / of 1995

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE COLLECTION, TRANSPORTATION AND DISPOSAL OF GARBAGE AND SOLID WASTE WITHIN THE TOWNSHIP OF NEWPORT.

WHEREAS, the regulation of the collection, transportation and disposal of garbage and solid waste within the Township of Newport bears a substantial relationship to the health, safety, and welfare of the residents of Township of Newport; and

WHEREAS, the laws of the Commonwealth of Pennsylvania empower the Township of Newport, to promulgate regulations governing the collection, transportation, and disposal of garbage, solid waste and other refuse materials; and

WHEREAS, the laws of the Commonwealth of Pennsylvania empower the Township of Newport to fix, alter, change, adopt and collect rates and other charges for the collection, transportation, and disposal of garbage, solid waste and other refuse materials; and

WHEREAS, the law of the Commonwealth of Pennsylvania empower the Township of Newport to contract with the lowest responsible bidder for the hauling and disposal of garbage and solid waste.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, AS FOLLOWS:

ITEM I. PURPOSES OF ORDINANCE

The purposes of this ordinance is to provide for the collection and disposal of garbage and solid waste produced and generated within the Township of Newport in the most efficient and economically sound manner and to reduce the volume of garbage and solid waste disposed of within the Township of Newport.

ITEM II. DEFINITIONS

As used in this ordinance, unless the context clearly indicates otherwise, the following words and terms shall be construed as follows:

1. "Commercial Establishment" shall mean those premises used principally for non-manufacturing or non-processing business, including but not limited to, stores, offices, restaurants, shopping centers, gas stations, and churches.

2. "Community Activities" shall mean all events or activities which are sponsored by public, private, non-profit, and municipal agencies or individuals that include, but are not limited to, fairs, bazaars, socials, and organized athletic events attended by two hundred (200) or more people.

3. "Disposal" shall mean the disposition, incineration, injection, dumping, spilling, leaking or placing of solid into or on the land or water in

a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air, or is discharged into the waters of the Commonwealth of Pennsylvania.

4. "Garbage" shall mean solid waste resulting from the preparation, cooking, handling, dealing, storing, sale, and consumption of all animal and vegetable wastes.

5. "Industrial Establishment" shall mean any entity engaged in manufacturing, industry, trade or business process.

6. "Institutional Establishment" shall mean any facility that houses or serves groups of people, including but not limited to hospitals, schools, day care centers and nursing homes.

7. "Municipality" shall mean the Township of Newport.

8. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

9. "Person" shall mean any individual, partnership, company, business organization, association, society, corporation or other group or entity.

10. "Private or Commercial Collectors, Haulers or Transporters" shall mean any person or business organization which provides collection, transportation, and disposal services of solid waste, who is not an agent or contractor of the municipality.

11. "Residential Dwelling" shall mean a single or multi-family dwelling, including, but not limited to, condominium units, apartments, and mobile homes.

12. "Solid waste" shall mean materials or substances, discharged or rejected as being spent, useless, worthless, or in excess by a person and any garbage, refuse, industrial, lunchroom or office waste and other material including solid, liquid or semi-solid or contained gaseous material resulting from the operation of residential, municipal, commercial, industrial or institutional establishments. The term does not include recyclable materials or materials approved for beneficial use by the municipality, or its agent or contractor.

**ITEM III. UNLAWFUL ACTIVITIES AND LIABILITY OF OWNERS AND OCCUPANTS OF REAL PROPERTY.**

(A) It shall be unlawful hereafter to accumulate, collect, transport, remove, deposit, maintain or dispose of garbage and solid waste, upon any public or private property within the Township of Newport except in accordance with the terms and provisions of this Ordinance.

(B) An owner, of any premises or any building, structure, or like improvement erected upon any real property situated within the Township of Newport and used for any purpose whatsoever shall be liable for the collection and disposal of all garbage and solid waste, produced or generated upon or within

the premises, building or structure owned or occupied by a person in accordance with the terms and provisions of this Ordinance.

ITEM IV. COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE AND GARBAGE.

(A) All residential solid waste and garbage produced, generated, accumulated, or deposited within the Township of Newport shall be collected, transported and disposed of solely and exclusively by the Township of Newport.

(B) All garbage and solid waste produced, generated, accumulated, or maintained within the Township of Newport by a commercial, institutional, or industrial enterprise, organization or establishment, or a sponsor of any community or public activity within the Township of Newport shall be collected, transported, and disposed of periodically in a safe and sanitary manner by a private or commercial refuse collector or hauler or a transporter for hire, or by the Township of Newport, or its agent or contractor, by contract.

(C) No person, including but not limited to, an owner, occupant, lessee, commercial collector, hauler or transporter of residential garbage and solid waste for hire, or otherwise, shall accumulate, deposit, maintain or place or cause to be accumulated, deposited, maintained or placed upon any lot or parcel of real property used for a dwelling or residential purposes, residential garbage or solid waste, for the purpose of collection, transportation, or disposal by any refuse hauler or collector other than the Township of Newport, or its agent or contractor.

**ITEM V. FEES.**

A. An annual charge is imposed for refuse collection performed by the Township or its designate as follows: \$110 per year for each residential unit user. If said payment is made by March 15 of the year in which payment is due, the charge will be \$105.00. Each residential unit user shall be allowed to place for disposal up to five (5) 33 gallon garbage bags per collection.

In the event of any increase in garbage collection and hauling fees by the designated garbage hauler, the Board of Commissioners may, by a majority vote of a quorum of the board members, enact an additional emergency fee during the calendar year.

The Board of Commissioners of Newport Township may increase or decrease the annual garbage fees in subsequent years by passing a resolution, by a majority vote of a quorum of the board members, approving same, without the need for enacting a new ordinance each year.

**ITEM VI. ENFORCEMENT**

Any person violating any provision of the Ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed six hundred (\$600.00) Dollars and/or to imprisonment for a term not to exceed thirty (30) days and to pay all costs of prosecution. A separate offense shall be deemed to have been committed on each day during which a violation occurs.

ITEM. VII. REPEALER

All Ordinances or parts of ordinances inconsistent with the Ordinance are hereby repealed.

ITEM VIII. SEVERABILITY

If any sentence, provision, section or part of the Ordinance is for any reason whatever, determined to be invalid or unconstitutional, such determination shall not affect or impair any of the remaining provisions or parts of this Ordinance.

Enacted and Ordained this 3<sup>rd</sup> day of January 1995.

Township of Newport

\_\_\_\_\_  
Chairman, Board of Commissioner

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Attest: Secretary

I, RICHARD V. ZIKA, DULY APPOINTED SECRETARY OF NEWPORT TOWNSHIP, HEREBY CERTIFY THAT ORDINANCE NO. 1 OF 1995 WAS DULY ADOPTED AT A REGULAR MEETING OF THE COMMISSIONERS OF NEWPORT TOWNSHIP AT THEIR REGULAR MEETING HELD ON JANUARY 3, 1995.

  
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RICHARD V. ZIKA, SECRETARY

DECEMBER 31, 2004

ORDINANCE NO. 10 of 2004

**An Ordinance of Newport Township amending certain provisions of Newport Township Ordinance No. 3 of 2003 relating to refuse collection.**

Be it enacted and ordained by the Township of Newport, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 2 of Ordinance No. 3 of 2003 (which amended Ordinance No. 1 of 1995, Item V Fees) which states as follows *shall be deleted*:

“ The Board of Commissioners of Newport Township shall set an annual garbage fee for each calendar year by passing a resolution, by a majority vote of a quorum of the Board members approving same.

If said payment is received by the Township of Newport by January 31 of the calendar year, the residential unit user may be entitled to a discount, the amount of which shall be determined by the Board of Commissioners by resolution at the time of setting the garbage fee for the calendar year.

Each residential unit user shall be allowed to place for disposal up to four (4) 33 gallon garbage bags per collection. The Board of Commissioners may change this amount in subsequent years by passing a resolution without the need for enacting a new ordinance each year.

In the event of any increase in garbage collection and/or hauling fees by the designated garbage hauler, the Board of Commissioners may, by a majority vote of a quorum of the Board members, enact an additional emergency fee during the calendar year.

The annual garbage fee shall be paid in full by March 1st of each calendar year. At that time, all unpaid garbage fees shall be considered delinquent. However, for calendar year 2003, the annual garbage fee shall be paid in full by May 1, 2003. All unpaid garbage fees shall be considered delinquent after May 1, 2003 for the calendar year 2003.”



Section 2 of Ordinance No. 3 of 2003 ( which amended Ordinance No. 1 of 1995, Item V Fees) *shall be amended to read as follows:*

The Board of Commissioners of Newport Township shall set an annual garbage fee by passing a resolution, by a majority vote of a quorum of the Board members approving same. The fee for the calendar year 2005 shall be \$185.00.


A discount of Five (\$5.00) Dollars will be offered for payment of this fee received prior to January 31 of the subject year. The deadline for receipt of the total fee shall be February 28 of the subject year. Payments received after February 28 but prior to March 31 of the subject year shall be subject to a late fee of Fifteen (\$15.00) dollars. After April 1 of the subject year a one and one-half (1 1/2 %) percent interest rate will be added to all past due bills until full payment is received by Newport Township. This is in addition to any penalties that may be provided for by ordinance or appropriate law. Collection proceedings shall be instituted for all unpaid bills after May 1 of the subject year.

Each residential unit user shall be allowed to place for disposal a limit of four (4) thirty-three (33) gallon garbage bags per collection. The Board of Commissioners may change this amount in subsequent years by passing a resolution without the need for enacting a new ordinance each year.

In the event of any increase in garbage collection and/or hauling fees by the designated garbage hauler, the Board of Commissioners may, by a majority vote of a quorum of the Board members, enact an additional emergency fee during the calendar year.

Enacted and ordained at a meeting of the Newport Township Board of Commissioners held on the 27 day of December 2004.

Attest:

  
Secretary

  
President, Board of Commissioners

ORDINANCE NO. 7 of 2005

**An Ordinance of Newport Township amending certain provisions of Newport Township Ordinance No. 1 of 1995 providing for the regulation of the collection, transportation and disposal of garbage and solid waste within the Township of Newport**

Be it enacted and ordained by the Township of Newport, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

(1) Item II. Definitions (1) of Ordinance No. 1 of 1995 which states "Commercial Establishment" shall mean those premises used principally for non-manufacturing or non-processing business including but not limited to stores, offices, restaurants, shopping centers, gas stations and churches" shall be deleted.

Item II. Definitions (1) of Ordinance No. 1 of 1995 shall be amended to now read as follows: "Commercial Establishment" shall refer to those premises used principally for non-manufacturing or non-processing business including but not limited to stores, offices, restaurants, shopping centers, gas stations and churches. "Commercial Establishments" shall not include any premises that are also used for residential purposes regardless of zoning designation including, but not limited to home office occupations.

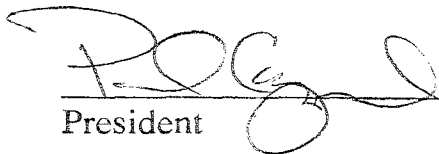
(2) Item IV. (B.) of Ordinance No. 1 of 1995 which states "All garbage and solid waste produced, generated, accumulated, or maintained within the Township of Newport by a commercial, institutional, or industrial enterprise, organization or establishment or a sponsor of any community or public activity within the Township of Newport shall be collected, transported, and disposed of periodically in a safe and sanitary manner by a private or commercial refuse collector or hauler or a transporter for hire, or by the Township of Newport, or its agent or contractor, by contract." shall be deleted.

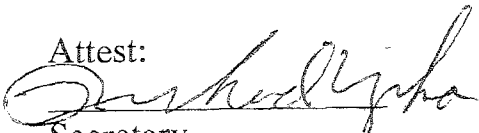
Item IV. (B) of Ordinance No. 1 of 1995 shall be amended to now read as follows: "All garbage and solid waste produced, generated, accumulated, or maintained within the Township of Newport by a commercial, institutional, or industrial enterprise, organization or

establishment or a sponsor of any community or public activity within the Township shall be collected, transported, and disposed of periodically in a safe and sanitary manner by a private or commercial refuse collector or hauler or a transporter for hire or by the Township of Newport , or its agent or contractor, by contract. A copy of the agreement or contract containing the name and address of the private hauler, commercial refuse collector or transporter for hire shall be provided to the Township of Newport upon request of the Township Secretary or Manager or his/her designee within ten (10) days of the request being made.

The Amendments to Ordinance No. 1 of 1995 as noted herein shall take effect on January 1, 2006.

Enacted and ordained at a meeting of the Newport Township Board of Commissioners held on the 5th day of December 2005.

  
President

Attest:  
  
Secretary