

ORDINANCE NO. 5 OF 2018

AN ORDINANCE OF THE BOROUGH OF LARKSVILLE, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 430 OF THE CODE OF THE BOROUGH OF LARKSVILLE, ENTITLED "SOLID WASTE", AMENDING THE DEFINITION OF 'HOUSEHOLD', AND PROVIDING A DEFINITION OF 'MIXED USE PROPERTY' IN ARTICLE I AND PROVIDING THAT THE ASHES, GARBAGE, REFUSE AND RUBBISH PRODUCED BY THE RESIDENTIAL PORTION OR PORTIONS OF MIXED USE PROPERTIES SHALL BE KEPT SEPARATE AND APART FROM COMMERCIAL OR INDUSTRIAL REFUSE AND THAT SUCH RESIDENTIALLY PRODUCED ASHES, GARBAGE, REFUSE AND RUBBISH SHALL BE COLLECTED IN THE SAME MANNER AS THOSE OF OTHER SOLELY RESIDENTIAL PROPERTIES LOCATED WITHIN LARKSVILLE BOROUGH.

WHEREAS, Larksville Borough Council has become aware that there are a number of properties within Larksville Borough that are utilized for both residential and commercial or industrial purposes and are, essentially 'mixed use' properties; and

WHEREAS, Larksville Borough Council has also become aware that the present terms and provisions of Chapter 430 of the Code of the Borough of Larksville fail to clearly define the manner in the ashes, garbage, refuse and rubbish generated by the residential portion(s) of such 'mixed use' properties shall be collected and disposed of; and,

WHEREAS, Larksville Borough's Code Enforcement Office has advised Borough Council that owners of some of the 'mixed use' properties have raised questions regarding what is required of them under Chapter 430; and

WHEREAS, Larksville Borough Council desires to more clearly state the manner in which the ashes, garbage, refuse and rubbish generated by the residential portion(s) of such 'mixed use' properties shall be collected and disposed of; and,

WHEREAS, the Borough Council of the Borough of Larksville has determined that the amending of certain provisions of Chapter 430's Article I provides the best means of expressing Larksville Borough's requirements for collection and disposal of ashes, garbage, refuse and rubbish from 'mixed use property(ies); and

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Borough Council of the Borough of Larksville, Luzerne County, Pennsylvania, as follows:

SECTION 1. The definition of the term "Household contained in §430-1. Definitions. of ARTICLE I of Chapter 430 shall be amended to read as follows:

HOUSEHOLD - The basic unit of collection which, regardless of the number of persons residing therein, can be a single-family home, part of a double block, duplex or other multidwelling unit or as part of any mixed use property.

SECTION 2. The following definition shall be added in its alphabetical place in the to the existing §430-1. **Definitions.** of **ARTICLE I** of Chapter 430:

MIXED USE PROPERTY - A parcel or parcels of land whereupon there exists, at the same time, one or more household(s) and a commercial, industrial or other non-residential use.

SECTION 3. Sub-section A. of §430-2. **Collection and disposal regulations.** shall be amended to add the following sentence at the end of the existing provisions:

On mixed use property, the provisions of this Ordinance relating to households shall apply, but shall be applicable only to those portions of the property as are used as or devoted to residential purposes and no co-mingling of residential ashes, garbage, refuse or rubbish with that produced by commercial or industrial uses shall be permitted.

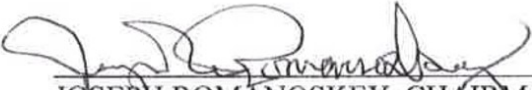
SECTION 4. Sub-section C. of §430-2. **Collection and disposal regulations.** shall be amended to read as follows:

C. The collection and disposal for all households shall only be made by the Borough collection services or its designated agent. In no event may any residential premises or the residential portion of any mixed use premises use any private hauler for disposal of garbage or rubbish other than the Borough collection services or its designated agent. The responsibility for the payment of all fees under this article shall be the responsibility of the owner of the premises. This responsibility shall include all fees pertaining to multifamily residences, including apartments, and the owner shall be responsible to pay all fees for each residence/apartment containing the multifamily dwelling unit or apartment building or complex. For mixed use properties, the responsibility for payment shall be that of the owner of the overall parcel or parcels of property upon which a residential use exists together with any non-residential use. All garbage fees for such buildings shall be on a per-apartment or per-unit basis and shall be the responsibility of the owner of the building.

SECTION 5. Except as hereinabove provided, all of the existing terms and provisions of Chapter 430 of the Code of the Borough of Larksville shall be and remain in full force and effect.

SECTION 6. This Ordinance shall take effect immediately upon its final advertisement, passage and enactment by Larksville Borough Council.

ENACTED and ORDAINED at a regular meeting of Larksville Borough Council, this 18 day of DECEMBER, 2018.


JOSEPH ROMANOSKEY, CHAIRMAN
LARKSVILLE BOROUGH COUNCIL

3

ATTEST:


BOROUGH SECRETARY

APPROVED, as having been duly enacted and ordained this 19 day of December, 2018.


JOSEPH ZAWADSKI, MAYOR
LARKSVILLE BOROUGH

3