

**BOROUGH OF VANDERGRIFT
ORDINANCE NO. 1 OF 2022**

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 404, ARTICLE II OF THE VANDERGRIFT BOROUGH CODE TO PROHIBIT THE PLACEMENT OF CERTAIN ITEMS FOR REFUSE COLLECTION AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, The Borough of Vandergrift is empowered to establish Ordinances to protect the health, safety, and welfare of the public and for the benefit of the residents, citizens, and general public of the Borough of Vandergrift by and through the Borough Code of the Commonwealth of Pennsylvania at 8 Pa.C.S. Section 101 et. seq.

WHEREAS, in order to protect the health, safety, and welfare of the public and for the benefit of residents, citizens, workers, and general public of the Borough of Vandergrift, limitations and prohibitions regarding the placement of certain items for refuse collection must be established.

NOW THEREFORE, the Borough of Vandergrift does hereby enact and ordain as follows:

1. SECTION 404-4. DEFINITIONS.

Section 404-4 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity and for the purpose of amending the definition of "Rubbish" as defined herein:

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

ASHES - The residue from the burning of wood or coal.

COMMERCIAL UNIT - Any grocery store, restaurant, club or fire hall.

DWELLING UNIT - Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

GARBAGE - All putrescible wastes, except sewage and body waste, including vegetable but excluding recognizable industrial by-products, and shall include all such substances from public and private establishments, except from furniture stores, drugstores, hotels and other businesses; these establishments collect and dispose of their own garbage and refuse, except that grocery stores, restaurants, clubs and fire halls shall be limited to three containers, each having a capacity of not more than 26 gallons.

PERSON - A natural person, firm, copartnership, association or corporation.

REFUSE - Garbage, ashes and rubbish as herein defined.

RUBBISH - All waste materials not included in garbage and ashes, except building rubbish from building construction, household furnishings (including any furniture item, regardless of size, which is upholstered, bolstered, or otherwise constructed with permeable fabric or like-materials, including, but not limited to, mattresses, box springs, sofas, chairs, ottomans, benches, or similar items) and appliances, street refuse, industrial refuse, dead animals, machinery or parts of machinery, vehicles or parts of vehicles or such other waste materials as are not commonly produced in homes.

2. **SECTION 404-6. PRECOLLECTION PRACTICES.**

Section 404-6 of the Code of the Borough of Vandergrift shall be amended to include a new section – 404-6 (D) – Prohibited Items, as follows:

D. Prohibited Items.

- (1) Items that are excluded from the definition of Refuse as defined in Section 404-4 of the Code of the Borough of Vandergrift, including sewage and body waste (except human excreta that is contained within a diaper and sealed within a bag or container), recognizable industrial by-products, building rubbish from building construction, household furnishings (including any furniture item, regardless of size, which is upholstered, bolstered, or otherwise constructed with permeable fabric or like-materials, including, but not limited to, mattresses, box springs, sofas, chairs, ottomans, benches, or similar items) and appliances, street refuse, industrial refuse, dead animals, machinery or parts of machinery, vehicles or parts of vehicles or such other waste materials as are not commonly produced in homes, shall not be placed, or allowed to remain for any amount of time, at points of collection for refuse collection.

3. **SECTION 404-8. VIOLATIONS AND PENALTIES.**

Section 404-8 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

Any person, whether as principal, agent or employee, who violates or assists in the violation of any provision of this article or of any regulation of the Council of the Borough of Vandergrift imposed by authority of this article shall be guilty of an offense and, upon conviction, shall be sentenced to pay a fine of not less than \$300 and not more than \$1,000 and costs of prosecution and, in default of payment of fines and costs, to undergo imprisonment for not more than 30 days, provided that, after notice, each day's neglect to comply with any provision of this article or any such regulation shall be deemed a separate offense and subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each day's offense after the first conviction.

4. **ENACTMENT.** This ordinance shall be effective upon enactment.
5. **SEVERABILITY.** Any part or portion of this Ordinance that is deemed unconstitutional shall be stricken only as to the extent of said language. The balance of the Ordinance shall remain in full force and effect.
6. **CODIFICATION.** The provisions of this Ordinance shall be codified, annually, by update of the Code of the Borough of Vandergrift.

THIS ORDINANCE BEING ORDAINED AND ENACTED THIS ____ DAY OF JULY, 2022 BY THE COUNCIL OF THE BOROUGH OF VANDERGRIFT AT A PUBLIC MEETING OF THE BOROUGH COUNCIL OF THE BOROUGH OF VANDERGRIFT IN VANDERGRIFT, PENNSYLVANIA.

BOROUGH OF VANDERGRIFT

By:



TOM HOLMES, Vice President
Vandergrift Borough Council

ATTEST:



(SEAL)
STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:



LENNY COLLINI, Mayor