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ORDINANCE NO. 32

AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, WAYNE COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING AND BURNING OF GARBAGE, RUBBISH, REFUSE AND RIFFRAFF UPON PRIVATE PROPERTY IN SAID MUNICIPALITY, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE;

WHEREAS, the collection, disposal and burning of garbage, rubbish, refuse, riffraff and other waste materials within the Township of Paupack, Wayne County, Pennsylvania, has created a problem relating to the health, safety, and welfare of the citizens of said Township; and

WHEREAS, pursuant to authority vested in them, the Township Board of Supervisors of Paupack Township is desirous of enacting an Ordinance regulating the burning and disposal of garbage, rubbish, refuse, and riffraff in said Township.

NOW, THEREFORE, be it enacted and ordained by the Township of Paupack, Wayne County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I. DEFINITIONS

The following words and terms as used in this Ordinance shall have the meaning ascribed thereto, unless the context clearly indicates a different meaning:

"Garbage" - all table refuse, animal and vegetable matter, offal from meat, fish, and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use for which reason they are discarded.

"Refuse" - All combustible refuse and incombustible refuse referred to collectively.

"Combustible Refuse" - all paper, straw, excelsior, rags, rubber, shoes, and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

"Incombustible Refuse" - all discarded articles or material except sewage, liquid waste, garbage, and combustible refuse.

"Rubbish" - all miscellaneous waste material not otherwise included herein such as ashes, tin cans, glass, pottery, prunings from vines, and junk of all kinds resulting from ordinary conduct or business or housekeeping.

"Riffraff" - all waste materials too large for collection in the ordinary containers, such as furniture, tanks, stoves, and the like.

"Person" - any natural person, association, partnership, firm or corporation.

"Township" - shall mean the Township of Paupack, Wayne County, Pennsylvania.

"Hauler" - any person, firm, co-partnership, association, or corporation who has been licensed by the Borough to collect, transport, and dispose of garbage, rubbish, refuse and riffraff, for a fee as herein described.

"Seasonal Residence" - any dwelling occupied less than one hundred and eighty-two (182) days of the year.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION II.

From and after the effective date of this Ordinance, and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the said Township, garbage, rubbish, refuse, riffraff, and combustible or incombustible refuse or rubbish.

SECTION III.

A. It shall be unlawful for any person to dispose of any garbage, rubbish, refuse, or riffraff in said township except in accordance with the terms of this Ordinance, except as in "B" and "C" below.

B. It shall be unlawful for any person, at any time, to burn any garbage, rubbish, brush, trees, vegetation, or riffraff, in said township,

except that combustible refuse may be disposed of by burning in an appropriate and/or acceptable and safe incineration unit or other facility, designed to adequately contain the fire, and then only under the constant supervision of said person doing such disposal and subject to the further provisions by the Township of Paupack by proper resolution, provided also that the aforementioned disposal shall not be in violation of any other local ordinance nor any State nor Federal rules and regulations. -

C. It shall be unlawful for any person at any time, to burn any garbage, rubbish, ruffraff, in said Township, except that naturally accumulated grass, brush, trees, and fallen leaves may be burned within said Township during the months of May through October of each year, and then only during the hours of each day from 7:00 A.M. EST and 7:00 P.M. EST, and then only under the constant supervision of said person, and subject to the further provision by the Township of Paupack by proper resolution that said burning on public streets may be restricted in each year during the said six months aforementioned provided that notice of said restriction is published in one newspaper of general circulation in the Township of Paupack, three (3) days in advance of the first day of the beginning of the burning ban or similar restriction. Nothing herein shall be construed to prevent the cleaning of lots for improvement so long as any burning in conjunction with said cleaning is done under constant supervision of said person doing such lot cleaning.

D. At any time during the year, the Paupack Township Board of Supervisors may, by resolution, designate a "Fire Emergency" in said Township and ban and/or restrict any burning which would normally be allowed herein. Said ban and/or restriction shall be advertised and take effect as provided for in Section Three paragraph C.

SECTION IV.

No person shall accumulate garbage, rubbish, refuse, ruffraff, or other waste materials upon private property in the Township,

except in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish, refuse or riffraff on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish, refuse and riffraff and other refuse materials within thirty (30) days after the effective date of this Ordinance shall be deemed a violation of this section of this Ordinance.

SECTION V.

The collection of garbage, rubbish, refuse or riffraff in the Township and the disposal thereof shall be subject to reasonable rules and regulations as may from time to time be promulgated by the Board of Supervisors, PROVIDED HOWEVER, that all such rules and regulations shall not be contrary to the provisions of this Ordinance.

SECTION VI.

Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding before a Justice of the Peace, be sentenced to pay a fine of not less than three hundred dollars (\$300.00) but not more than five hundred dollars (\$500.00) plus the costs of prosecution, and, in default of payment of such fines and costs, shall be committed to the County Jail for a period of not exceeding thirty (30) days; each day's continuance of a violation of this Ordinance shall constitute a separate offense. Violations may be prosecuted by the Township Board of Supervisors, the Lakeville Fire Chief, or other designee of the Board of Supervisors.

SECTION VII.

If any sentence, clause, or section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions,

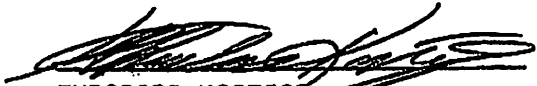
sentences, clauses, or sections or parts of this Ordinance. It is hereby declared that it is the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof, not been included herein.

SECTION VII.

This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED into an ORDINANCE this 14 day of SEPT., 1988.

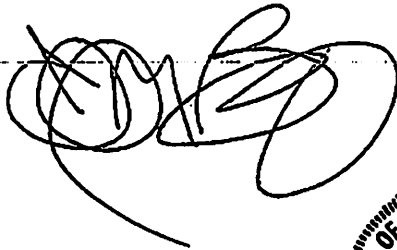
PAUPACK TOWNSHIP SUPERVISORS


THEODORE KOSTIG


ARTHUR GNECCO


RICHARD MICHAELS


Vincent P. Walter, Secy.





ORDINANCE NO. 32 A

AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, WAYNE COUNTY, PENNSYLVANIA, AMENDING TOWNSHIP ORDINANCE NO. 40, PROHIBITING THE ACCUMULATION, BURYING AND BURNING OF GARBAGE, RUBBISH, REFUSE AND RIFFRAFF UPON PRIVATE PROPERTY IN SAID MUNICIPALITY, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWNSHIP OF PAUPACK, WAYNE COUNTY, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY OF SAME AS FOLLOWS:

THE BURNING ORDINANCE OF PAUPACK TOWNSHIP ADOPTED AND ENACTED ON SEPTEMBER 14, 1988, IS HEREBY AMENDED AS FOLLOWS:

Section III, Paragraph C is hereby amended to read that "it shall be unlawful for any person, at any time, to burn any garbage, rubbish, riffraff, in said township, except that naturally accumulated grass, brush, trees, and fallen leaves may be burned within the Township during the hours of each day from dawn to dusk, and then only under the constant supervision of said person, and subject to the further provisions by the Township of Paupack, by proper resolution that said burning on public streets may be restricted in each year provided that notice of said restriction is published in one newspaper of general circulation in the Township of Paupack, three (3) days in advance of the first day of the beginning of the burning ban or similar restriction. Nothing herein shall be construed to prevent the cleaning of lots for improvement so long as any burning in conjunction with said cleaning

is done under constant supervision of said person adopting
such lot cleaning.

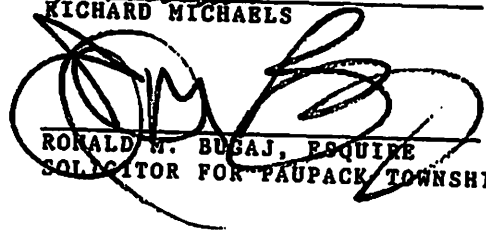
Enacted and Ordained into an Ordinance this 9th
day of November, 1988.

PAUPACK TOWNSHIP SUPERVISORS


THEODORE KOSTICE


ARTHUR GNECCO


RICHARD MICHAELS


RONALD M. BUGAJ, ESQUIRE
SOLICITOR FOR PAUPACK TOWNSHIP



ATTESTED:


VIVIAN P. WALTER, SECRETARY