ORDINANCE NO. 1377

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE PROHIBITING THE PLACING OR "DUMPING" OF GARBAGE, LITTER, OR RUBBISH ON PROPERTY WITHIN THE MUNICIPALITY OF MONROEVILLE AND REQUIRING THE CLEAN-UP THEREOF

BE IT ORDAINED AND ENACTED, by the Municipality of Monroeville in Council assembled as follows:

Section 1. As used in this ordinance, the following terms shall have the meaning indicated.

BUSINESS UNIT - A building or combination of buildings and the lot on which the same is located, used wholly or in part for commerical purposes, including but not limited to offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

GARBAGE - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - The presence of insects, rodents, vermin or other pests.

LITTER - Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or deposited as herein prohibited, contributes to or causes a danger to public health, safety and welfare.

LOT - A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purposes.

PERSON - A natural person, firm, co-partnership, association or corporation.

REFUSE - All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, vehicles valueless except for junk and solid market and industrial wastes.

RUBBISH - Nonputrescible solid wastes consisting of both combustible and noncompustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

YARD - An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

Section 2. The provisions of this ordinance shall supplement local laws, ordinances, codes or regulations existing in the Municipality of Monroeville and the other statutes and regulations of Municipal Authorities having jursidiction applicable thereto. Where a provision of this ordinance is found to be in conflict with any provision of local law, ordinance, code or regulation, the provision or requirement which is most restrictive or which establishes the higher standard shall prevail.

Section 3. Residential, commercial and industrial premises, whether improved or vacant, shall be maintained free of litter, provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 4. An owner and/or an occupant of premises shall be responsible for compliance with this ordinance in regard to the following:

A. Maintance of that part of the premises which he occupies or controls in a clean, sanitary and safe condition.

B. Disposal of garbage and refuse into proper facilities or containers in a clean and sanitary manner in accordance with the p-rovisions of this ordinance or applicable municipal codes.

C. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage, and infestations. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood.

D. No refrigerator, freezer or other appliance may be discarded, abandoned, or stored in a place accessible to children without first completely removing any locking devices and all doors.

Section 5. It shall be unlawful for a person to place or "dump" garbage, litter, or rubbish on the property belonging to another person.

Section 6. A violation of this ordinance or any subsection or provision thereof shall be an offense and shall be punishable by a fine not exceeding One Hundred ($100.00) Dollars or imprisonment for a period not to exceed thirty (30) days, or both fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

Section 7.

A. Enforcement of this ordinance shall be delegated by the Municipal Council to the Municipal Building Official, Chief of Police, or other appropriate Municipal Official. Said Municipal Official shall investigate and take whatever action is required upon receipt of a written or oral complaint or when otherwise brought to his or her attention.

B. Upon receipt of complaint or when otherwise brought to his or her attention said Municipal Official shall serve notice to abate any violation of this ordinance. The notice to abate shall state: (1) a violation of this ordinance has occurred; (2) specify the nature of work to be completed to correct the violation; and (3) the violation must be remedied within five (5) days of receipt of notice. The notice to abate shall be served upon such owner or occupant, or both, as the case may be, by registered or certified mail addressed to his, or her, or their last known address or by posting the premises if registered or certified mail is refused or undelivered.

C. In addition to the provisions of of Subsection A and B of this Section, whenever, a violation of this ordinance remains uncorrected for a period of five (5) days, the Municipal Council may adopt a resultion requiring the owner or occupant or both as the case may be, of the premsies with regard to which violation has occurred to remedy such violation, specifying the

nature of the work to be completed. A notice of the adoption of such resolution shall be served upon such owner or occupant or both, by registered or certified mail addressed to his or their last known address or by posting the presmeis if registered or certified mail is refused.

D. Whenever such notice has been served upon such owner or occupant or both, of the respective premises and such owner or occupant shall neglect or fail to comply with the requirements of such notice within the time provided therein, the Municipal Council shall authorize the work to be done and pay the cost thereof out of general municipal funds to be appropriated by the Municipal Council for such purposes.

E. The Municipality shall be reimbursed for the cost of the work performed or services rendered, by direction of the Municipal Council as herein provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered. The expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other municipal charges.

Section 8. Any ordinance or part of an ordinance in conflict with any of the provisions of this ordinance is hereby repealed to the extent of any such conflict.

ORDAINED and ENACTED this 9th day of August, 1983.

ATTEST:

Marshall W. Bud

Municipal Manager

(SEAL)

MUNICIPALITY OF MONROEVILLE

Michael P. Lynch

Mayor