

CITY OF JEANNETTE  
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023- 05

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 96-03, AS AMENDED, TO ADD A DEFINITION OF "DUMPSTER" AND TO PROVIDE FOR LIMITED USE OF AN INDEPENDENT SOLID WASTE HAULERS; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12409, the Solid Waste Management Act, 35 P.S. § 6018.101, *et seq.*, and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.101, *et seq.*, empower the City of Jeannette to regulate the collection and disposal of ashes, garbage, solid waste and other refuse materials located within the City; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power "to prohibit and abate public nuisances;" and

WHEREAS, the Third Class City Code affords the City of Jeannette with the power to regulate businesses and business activities within the City; and

WHEREAS, the Third Class City Code, 11 P.S. § 12435, affords the City of Jeannette with the power to enact ordinances that are "(1) [e]xpeditious or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; or (2) [n]ecessary to the exercise of the powers and authority of local self-government in municipal affairs."

**BE IT ENACTED AND ORDAINED** by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1.** Definitions. Section I of Ordinance 96-03, as amended and codified as § 443-11, shall be amended to add the following definition for the term "Dumpster":

**"DUMPSTER**

A metal, plastic, or fabric storage receptacle or container used to temporarily store garbage, ashes, bulky waste, municipal waste, residual waste, rubbish, solid waste, or construction debris materials which is then emptied of its contents or removed with its contents to a dumpsite. The definition of dumpster shall also include, without limitation, roll-offs, trash receptacles, 'green bags,' 'bagsters,' and the like."

**Section 2.** Temporary Leasing for Construction Debris, etc. Section VI(6) of Ordinance 96-03, as amended and as codified at § 443-16(F), shall be amended to read, in its entirety, as follows:

“F. Exception. Any account which requires temporary use of a dumpster or container either (i) larger than an eight-yard dumpster, or (ii) for the collection and disposal of construction debris materials, including, without limitation, cement, plaster, lumber, bricks, stone, wire, nails, metal and other building materials commonly used in construction and structural repair work may contract with an independent solid waste hauler for the lease of such a dumpster/container and for the collection and solid waste disposed of therein, provided:

- (1) An application for such temporary use shall be submitted at the office of the City Clerk during normal business hours;
- (2) A permit fee in the amount per week of intended use set from time to time by City Council shall be paid to the City Treasurer contemporaneous with the issuance of the permit;
- (3) Before a permit shall issue as set forth in this subsection, the proposed dumpster/container must be approved by the City Foreman, who shall determine that the dumpster/container may be safely placed and pulled by the independent solid waste hauler so as not to cause substantial risk of damage to property or injury to persons;
- (4) The placement of the dumpster(s)/container(s) shall be in such a manner as to avoid substantial risk of injury to persons and damage to property, as shall be determined by the City Foreman. In the event that it is necessary to place such dumpster(s) in a manner that will block any City street, alley or right-of-way, the dumpster(s) shall be reasonably coned and roped off and bear appropriate safety reflectors and warnings, as determined and directed by the City Foreman; and
- (5) The dumpster(s)/container(s) shall be removed and emptied at least every thirty (30) days.”

**Section 3.** Codification. This Ordinance shall be codified within the codified ordinances of the City of Jeannette as an amendment to §§ 443-11 and 443-16(F).

**Section 4.** Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

**Section 5.** Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

**Section 6.** Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 8<sup>th</sup> day of June, 2023.



CITY OF JEANNETTE

By: Curtis J. Antoniak  
Curtis J. Antoniak  
Mayor and President of Council

ATTEST: (SEAL)

Ben Walker  
Benjamin D. Walker  
City Clerk