

BILL NO. 97-1

ORDINANCE NO. 97-1

AN ORDINANCE OF THE CITY OF JEANNETTE  
AMENDING ORDINANCE 96-3 (GARBAGE ORDINANCE),  
PROVIDING FOR THE PLACEMENT OF DUMPSTERS ON ADJACENT  
PROPERTIES UNDER APPROPRIATE CIRCUMSTANCES,  
AND REGULATIONS RELATED THERETO

WHEREAS, the City of Jeannette enacted Ordinance 96-3 at a public meeting held September 11, 1996, which Ordinance provides for the collection and removal of municipal waste and recyclables from premises within the City; and

WHEREAS, it has come to the attention of Council that there are certain properties within the City of Jeannette which, because of the volume of waste produced on the property, necessitate the use of a dumpster, but, due to unique physical circumstances of the property, do not contain an adequate location upon which to place a dumpster safely; and

WHEREAS, the City desires to prohibit and avoid placement of dumpsters by such property owners in locations which would encroach upon any City sidewalk, alley, street, or other property, or which would create unsightliness, blight or hazards to the public health and safety within the City of Jeannette; and

WHEREAS, the City desires to amend Ordinance No. 96-3 in order to provide for same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, BY THE COUNCIL OF THE CITY OF JEANNETTE, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME, THE FOLLOWING:

**SECTION I. AMENDMENT.**

The caption of Section IV. B. of Ordinance 96-3 is hereby amended to read as follows:

**B. MANDATORY USE OF CITY OF JEANNETTE GARBAGE BAGS; REGULATIONS FOR USE AND PLACEMENT OF DUMPSTERS.**

**SECTION II. ADDITIONS.**

Section IV. B. (5) is hereby added to Ordinance 96-3, to provide as follows:

IV. B. (5) In the event that a commercial account desires to utilize a dumpster, due to the volume of solid waste produced on the property, and the property does not contain a location on which a dumpster can be safely placed to be accessible for collection by the City, the person or entity responsible for the account may apply for a permit to place the dumpster on adjacent or neighboring property, provided that all of the following conditions are satisfied:

a. The account holder applies for a Permit with the City Clerk, pays a \$25.00 per year permit fee, and provides the City Clerk with the written consent required by subsection (b) herein;

b. That the account holder provides written consent of the property owner upon which the dumpster is placed, authorizing the location of the dumpster upon such property and permitting the City to access same;

c. That the dumpster be located no greater than 100' from the commercial activity, business or enterprise for which it is used;

d. The proposed location for the dumpster is approved by the City Engineer, the City Foreman, the City Fire Chief, and the City Chief of Police, which persons shall determine:

(i) that the proposed location is such that garbage and rubbish may be removed therefrom safely and in such a manner as to avoid injury to persons and damage to property, and to avoid interference with public safety; and

(ii) that the placement will not create unsightly conditions within the City of Jeannette;

e. The dumpster shall possess a locking lid, which shall be kept closed at all times that garbage and rubbish are not being immediately placed therein;

f. The dumpster shall be enclosed within a fence which visually screens same from public view and which fence passes inspection by the City Foreman, who shall determine that the dumpster is accessible for collection by the City;

g. Failure to comply with any of the provisions herein shall result in immediate revocation of the permit and removal of the dumpster from the subject property by the City, and/or the imposition of fines and costs as set forth in this Ordinance;

h. The ability to place a dumpster upon adjacent or neighboring property is entirely within the discretion of the City of Jeannette and nothing in this Amendment shall be deemed or construed to permit the off site location of dumpsters as a matter of right.

**SECTION III. NO OTHER CHANGES.**

All other terms and conditions of Ordinance No. 96-3 shall remain in full force and effect.

**SECTION IV. SEVERABILITY.**

The provisions of this Ordinance shall be severable, and in the event that a court of competent jurisdiction determines that any provision of this Ordinance shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend or abridge any other Local, State or Federal law or regulation related to the disposal of solid waste.

**SECTION V. REPEALER.**

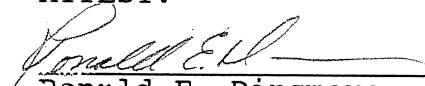
All Ordinances or parts of Ordinances inconsistent herewith, are hereby repealed.

**SECTION VI. EFFECTIVE DATE.**

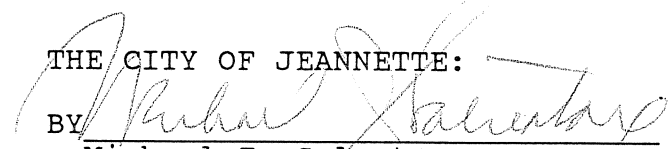
This Ordinance shall become effective in ten (10) days.

ORDAINED AND ENACTED by the Council of the City of Jeannette, at a public meeting hereof, held the 12<sup>th</sup> day of FEBRUARY, 1997.

ATTEST:

  
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Ronald E. Dinsmore,  
City Clerk

THE CITY OF JEANNETTE:

BY   
\_\_\_\_\_  
Michael J. Salvatore,  
Mayor/President of Council