

BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, PENNSYLVANIA

Ordinance No. 764

AN ORDINANCE OF THE BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA REQUIRING A PERMIT FOR ANY PERSON INTERFERING WITH REFUSE, GARBAGE, OR RUBBAGE^{ISH} LEFT FOR THE PURPOSE OF COLLECTION BY A HAULER CONTRACTED BY THE BOROUGH, SETTING FORTH THE PROCEDURE FOR OBTAINING SUCH PERMITS, SETTING PERMIT FEES AND TERMS, PROVIDING FOR THE REVOCATION OF SUCH PERMITS, REQUIRING THAT SUCH PERMITS BE DISPLAYED DURING ANY PERMITTED ACTIVITIES, IMPOSING PENALTIES FOR VIOLATIONS OF THE AFOREMENTIONED PERMIT REQUIREMENT AND REPEALING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH TO THE EXTENT OF SUCH INCONSISTENCIES.

WHEREAS, the Borough has been subject to an increase of individuals searching through items that residents place curbside for pick-up by haulers contracted by the Borough (such items being referred to henceforth as "Refuse," and including any garbage, rubble^{ISH}, scrap materials, recyclable materials, or any other items left curbside at any property in the Borough for pick-up by Borough contracted haulers); and

WHEREAS, this Council deems it in the best interest of the health, safety and welfare of the Borough and its residents to require any individual to obtain a permit before any interaction with any Refuse.

NOW, THEREFORE, COUNCIL OF THE BOROUGH OF BROOKHAVEN HEREBY ORDAINS THAT:

1. **PERMIT REQUIREMENT.** It shall be unlawful for any individual to interact in any way with any Refuse placed at curbside for collection by an entity contracted by the Borough, other than the person placing such Refuse at curbside, a member of such person's household, or an agent or employe of any entity contracted by the Borough for the collection of Refuse.

2. **PERMIT PROCEDURE.** To obtain a permit required by Section 1 above, the person desiring the permit shall make an application to the Borough in writing and therein set forth his name, age, residence, make, model and license plate number of any vehicle such person may be using for permitted activities.

3. **REVOCATION OF PERMITS.** Upon request by the Borough health officer, any Borough police officer or any inspector to Borough Council, a permittee may suffer revocation of a permit issued hereunder for any action Council may deem not to be in the best interest of the health, safety or welfare of any resident or property within the Borough. Upon request by the Borough health officer, any Borough police officer or any Borough inspector, the Borough manager may suspend any permit issued hereunder until the next regularly scheduled Borough Council legislative meeting.

4. **PERMITTED PERIODS.** All permits issued hereunder shall expire on January 1 of the year after issuance.

5. **PERMIT FEES.** The fee for any permit issued hereunder shall be twenty-five (\$25.00) per year.

a) All fees shall be paid for the use of Brookhaven Borough.

b) Permits shall be issued free of any charge to charitable organizations. Charitable information will be required.

6. **PERMITS TO BE DISPLAYED.** Each permittee shall cause his permit to be placed inside on the dashboard driver's side of any vehicle used in any permitted activity. Any person undertaking any permitted activity without a vehicle shall keep his permit on his person.

7. **ENFORCEMENT.** Any person violating the terms of this ordinance shall be guilty of a summary offense. Each contact with Refuse shall be a separate violation. Each offense shall be punishable by a fine not to exceed \$1,000 and imprisonment to the extent permitted by law for the violation of summary offenses.

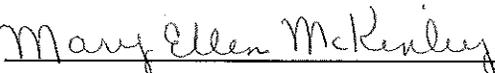
8. **EFFECTIVE DATE.** This Ordinance shall be effective upon its adoption by Brookhaven Borough Council and its approval by the Mayor.

9. **REPEALER.** All ordinances, resolutions or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled to the extent of such inconsistency.

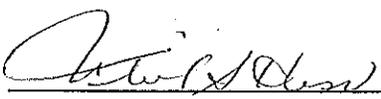
10. SEVERABILITY. The provisions of this ordinance and code sections adopted hereby are severable, and if any clause, sentence or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

DULY ENACTED THIS 14th DAY OF November 2012 BY THE COUNCIL OF THE BOROUGH OF BROOKHAVEN.

By: 
Daniel M. McCray, President
Brookhaven Borough Council

Attest: 
Mary Ellen McKinley
Secretary of Borough

EXAMINED AND APPROVED THIS 14th DAY OF November 2012.

By: 
Michael Hess, Mayor

BROOKHAVEN BOROUGH
DELAWARE COUNTY, PENNSYLVANIA

APPLICATION FOR SCAVENGER PERMIT

(Ordinance 764 Adopted November 14, 2012)

An Ordinance of Brookhaven Borough Council, Delaware County, Pennsylvania
requiring a permit for any person interfering with refuse, garbage or rubbish left
for the purpose of collection by a hauler contracted by the Borough.

Name _____

Name of Company _____

Age _____

Residence Address _____

Vehicle Make _____ Model _____

License Plate Number _____

Applicant's Signature _____

Date _____

This application must be returned to the Borough Secretary accompanied by a check or
cash in the amount of \$25.00. Checks should be made payable to Brookhaven Borough.