

FOREST CITY BOROUGH
MUNICIPAL SOLID WASTE MANAGEMENT ORDINANCE
ORDINANCE NO. 508 of 2017

1. Short Title. This ordinance shall be known and may be cited as the "Borough of Forest City Municipal Solid Waste Management Ordinance".
2. Definitions. The following words and phrases as used in this part shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

Act 101 – The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Authorized Collector – A person, firm, partnership, corporation or public agency authorized by the Borough of Forest City to collect municipal waste from residential, commercial, municipal and institutional establishments.

Bulk Waste – Large waste items including, but not limited to, appliances, auto parts, furniture and trees, branches or stumps which require collection in other than conventional compactor waste collection vehicles.

Collector – see "authorized collector".

Commercial Establishment – Those properties used primarily for commercial or industrial purposes.

Garbage – All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.

Rubbish – All glass, metal, paper, wood or non-recyclable solid waste.

Hauler – See "authorized collector".

Industrial Establishment – Facilities engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries and mining.

Institutional Establishment – facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and colleges.

Municipal Waste – Garbage, refuse, rubbish, industrial, lunchroom or office waste and other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities.

Municipality – The Borough of Forest City.

Person – Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

Recycling – Separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

Scavenging – Unauthorized or uncontrolled removal of solid waste materials placed for collection or removal from a solid waste processing or disposal facility.

Solid Waste – Garbage, refuse and other discarded solid materials including, but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semi-solids and contained gaseous materials are hereby defined as solid waste.

Storage – The containment of any waste on a temporary basis in such a manner as to not constitute disposal of such waste.

Uninhabitable Structure/Rental Unit – As defined by the IPMC in section 108.1.3: Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Yard Waste – Prunings, grass clippings, weeds, leaves and general yard and garden wastes.

3. Standards and Regulations for Collection. All generators of municipal waste in the Borough shall use a Borough approved authorized collector for the collection of disposable waste and recyclable items, as follows:
 - A. Effective November 1, 2017, all residential properties shall use an authorized collection service that is under contract with the Borough.
 - B. All commercial, institutional and municipal establishments and industrial establishments with office and lunchroom wastes shall use an authorized collection service as approved by the Borough.
 - C. Collection service shall be provided in compliance with the following standards:
 - (1) All residential waste shall be collected at least once each week with the exception that arrangements shall be made in advance with the collector for pickup of bulk waste and for payment of any special fees.

- (2) All commercial, municipal, institutional and industrial waste shall be collected at least once each week and more often if required in order to control health hazards, odors or unsightly conditions.
 - (3) Each authorized collector shall establish a regular collection schedule in the Borough and shall so notify the Borough of the days and times. If a regular collection day falls on a holiday, the collector shall notify all customers and the Borough as to when collection will be made.
- 4. Regulations of Authorized Contract Collectors. This section reserved for future use.
- 5. Regulation of Private Collectors. This section reserved for future use.
- 6. Prohibited Activities.
 - A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Borough any garbage, rubbish, bulk waste, municipal or residual waste except in accordance with the provisions of this part and any Pennsylvania Department of Environmental Resources rules and regulations adopted pursuant to Act 97 of 1980.
 - B. It shall be unlawful for any person to burn any solid waste within the Borough except in a manner and under conditions prescribed by the Borough, and such burning shall be in accordance with the pertinent rules and regulations of the Commonwealth.
 - C. It shall be unlawful for any person to salvage or reclaim any solid wastes except at a properly permitted facility in which salvage is an integral part of the operation.
- 7. Rules and Regulations. The collection of municipal solid waste in the Borough and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Borough Council; provided, however, that such rules and regulations shall not be contrary to the provisions of this part or applicable law.
- 8. Unlawful Accumulation of Solid Waste. It shall be unlawful for any person to accumulate or store any solid waste in the Borough except temporarily while awaiting collection as provided for in this section. It shall be unlawful for any person to bring or transport into the Borough, for collection or disposal, any solid waste produced or accumulated outside the Borough.
- 9. Collection and Disposal by Contractor. Municipal waste accumulated in the Borough shall be collected by a private collector under contract with the Borough. The contract with the collector shall specify, among other things, the type of vehicle to be used for collection; the collection schedule for the Borough or for specified areas of the borough; the maximum size, capacity and/or filled weight of containers; and the maximum number of containers of solid waste to be picked up from any one occupant on any scheduled collection day. Directly following the approval of a new contract for collection of any

changes in collection schedule and in requirements for containers, it shall be the duty of every occupant to conform to those new requirements, and any failure to conform shall be a violation of this section.

10. Containers for Weekly Collection.

- A. Every person/family or household at whose premises refuse is collected or removed shall provide and maintain at all times portable metal or plastic receptacles for temporary storage of municipal waste with a minimum capacity of 10 gallons and a maximum capacity of 30 gallons. The same must be watertight, equipped with a tight fitting cover, and each receptacle shall be kept in a clean and sanitary condition.
- B. If refuse container(s) are provided by the Borough's selected refuse hauler, then every person/family or household at whose premises refuse is collected or removed shall utilize the container(s) provided by said refuse hauler as per its contract with the Borough.

11. Point of Collection. The contractor shall pick up all refuse on the property in accordance with specifications established by the Borough or as per the terms of the garbage contract with the designated household garbage and refuse collector.

12. Times as to placement of containers for collection at curbside. Placement of containers for the weekly collection at curbside shall be from 5:00 p.m. on the day prior to said collection and the containers shall be allowed to remain at curbside until 8:00 p.m. of the date of the scheduled collection. If said containers are placed prior to this specified time or after the specified time, said persons/family and/or household shall be liable under the penalty provisions of this clause. Every day that the stated violation of this section continues shall constitute a separate offense.

13. Container Storage. All containers, including any refuse and/or recycle container(s) provided by the Borough's selected refuse hauler, shall not be allowed to be stored in open view during the time between collection. If said container(s) must be stored along side the building/residence (as there being no available space behind said building/residence), then said container(s) shall be stored in an enclosure of sufficient height and density as to prevent them being observed to others.

14. Cost. The cost of weekly garbage collection shall be as per the specifications enumerated under the garbage collection contract in effect at the time of collection.

15. Schedules. The contractor and Borough Council shall prepare a schedule for refuse pickup for each household on a weekly basis. The contractor shall be responsible to notify residents of the days collections will be made.

16. House of Operation. The collector shall be permitted to collect, remove and transport refuse on all days of the week, except Sunday and the following holidays: New Year's

Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day unless otherwise ordered, the collection of refuse shall not commence before 6:00

AM and shall be completed by 6:00 PM on any single day of collection. All refuse from cans and receptacles of occupants of dwellings shall be collected, removed and emptied by the collector at least once each week.

17. Accumulation of Garbage Prohibited. No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots or other property nor be thrown in any stream or other body of water.
18. Preparation for Collection. All municipal waste before being placed into receptacles for collection shall have drained from it, as far as practical, all free liquid. All municipal waste shall also be placed in a garbage bag with a minimum capacity of 10 gallons and a maximum capacity of 30 gallons. Said plastic bags will be closed by a tie, knot or knotted clasps. Ashes shall be placed in separate, fire resistant containers. All ash collection shall be conducted by Forest City Borough on a defined schedule to be established from time to time. Construction waste and yard waste will be permissible pick up items if placed in appropriate containers as stated in clause 10 of this ordinance. Said containers shall not be in addition to the maximum allowable containers as stated in the garbage collection contract in effect at the time of collection.
19. Equipment of Collector. The collector shall be required to collect and remove refuse in motor-driven vehicles having enclosed steel bodies with steel covers and watertight and non-leakable automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse under such agreement so as to assure general cleanliness and sanitation throughout the entire process and operation thereof. The collector's unit shall be equipped with appropriate devices to handle containers having a maximum capacity of ninety five (95) gallons.

The collector shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him, and to furnish, at his own cost, all vehicles, machinery and equipment necessary for the proper performance of such contract.
20. Disposal. Each collector applying for a license shall provide either evidence of ownership of an approved disposal area or evidence of a valid agreement, not subject to cancellation, covering use of approved disposal area. Such evidence shall accompany the application for license.
21. Billing Procedure. The Borough shall establish a rate that will apply to all rental units, occupied or unoccupied, as well as non-rental units. The Land Owner is responsible for payment of the rental unit fee. Fees will not be prorated based upon duration of occupancy for rental units or non-rental units. Fees will not apply to commercial rental units. Annual unpaid refuse fees will be carried forward year to year. Council may undertake all other legal actions to collect unpaid fees such as denial of refuse collection,

civil proceedings, filing of a municipal lien claim or other legal action deemed appropriate. In addition, penalties and interest on the past due balance and all costs and attorneys' fees incurred in filing any claims and collecting any amounts due and owing shall be applied.

A Land Owner may declare a unit uninhabitable and not be required to pay a refuse fee. A verification form may be obtained from the Forest City Borough Office by contacting the office at (570) 785-3326. The completed form will be returned to the appropriate Compliance Officer with the inspection fee of twenty five (\$25) dollars. The Forest City Borough's current inspection service or appropriate Compliance Officer will perform an inspection to validate the condition of the rental unit. If the rental unit is confirmed to be uninhabitable the appropriate person/entity will be notified. A Land Owner may appeal a finding of habitability to the appropriate council committee.

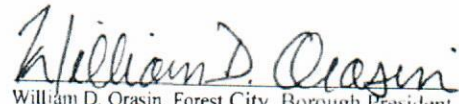
22. Complaints. The Forest City Borough Permit Officer, and/or a quorum of the Forest City Borough Council shall have the right to determine finally the true validity of any complaints made by residents as to failure of the contractor to collect refuse in accordance with this agreement, and the official's decision shall be final and binding upon the contractor.
23. Assignment of Contract. The authorized collector shall not assign his license in whole or in part without the written consent of the Borough. Such consent does not release the contractor from any of his or its obligations and liabilities under the license. Any violation of this part or specifications shall be sufficient cause for the immediate cancellation of the license by the Borough Council.
24. Workmen's Compensation and Social Security. Workmen's Compensation and Social Security Acts, as amended, are deemed a part of the license agreement. The contractor shall be obliged to provide Workmen's Compensation coverage and shall fulfill the terms and save harmless the Borough and all its officers, agents and employees, successors and assigns, jointly and severally, of and from all manner of losses, suits, actions, payments, costs, charges, damages, judgments or claims or demands of any character, name or description brought on account of any injuries or damages received or sustained by any person, persons or property by reason of any act, omission, negligence or misconduct of said contractor, his agents or employees in the execution of the license conditions.
25. Collector as an Independent Contractor. The contractor granted the license shall not in any manner be construed as an agent, servant or employee of the Borough, but shall, at all times, be considered and remain an independent contractor.
26. Insurance Coverage. The contractor shall carry an insurance policy providing complete third party comprehensive liability and property damage insurance, covering not only the contractor but also the Borough, the limits of which shall be equal or in excess of the amount specified in the garbage contract at the time of collection. The contractor shall furnish the proper certificates of insurance coverage to the Borough.

27. Cancellation of License. Any violation of these specifications shall be sufficient cause for the immediate cancellation of the license.
28. Faithful Performance. Faithful performance must be of the essence of the license unless prevented by unavoidable accident, act of God or public immunity, or any restrictions or embargoes imposed by the Federal Government or any agency thereof; and it is understood and agreed that all material shall be collected, removed, and disposed of in a skillful and businesslike manner, satisfactory to the Borough Council.
29. Evidence of Satisfactory Equipment. The contractor shall furnish evidence satisfactory to the Borough that he has available equipment, by ownership or by valid lease agreement, for collecting and disposing of materials in the performance of his contract and that all equipment for transporting of materials will comply with the sanitary and watertight requirements set forth by the Borough.
30. Prohibition as to Non-Resident Garbage. It shall be unlawful for any non-resident person and/or entity to deposit any garbage, hazardous waste, rubbish, special waste, and/or solid waste within the confines of the Borough for the purpose of the removal by a contracted collector. Any person and/or entity that are in violation of any section of this Ordinance shall be subject to citation and a summary proceeding and, upon conviction, shall be subject to a fine not to exceed the sum of \$500.00 plus the cost of prosecution. The Borough of Forest City Code Enforcement Officer, health officer, and/or municipal police force shall be empowered to enforce this Ordinance. Each day of violation shall constitute a separate offense under this Ordinance.
31. Penalty. Any person, firm or corporation, except the licensed collector, who shall violate any provision of this section, shall, upon conviction thereof, be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this section continues shall constitute a separate offense. A violator will be responsible for any penalties, interest and related fees/costs expended in enforcing this ordinance.
32. Enforcement Officer. The Forest City Borough Code Enforcement Officer, Health Officer, Third Party Code Compliance Company and/or Municipal Police Force shall be empowered to enforce this ordinance.
33. FEES. Fees charged by the Borough of Forest City pursuant to this ordinance may be established or amended by the Council of Forest City by resolution from time to time.
34. Repealer. All other municipal solid waste ordinances enacted by the Borough of Forest City are hereby repealed and/or terminated.

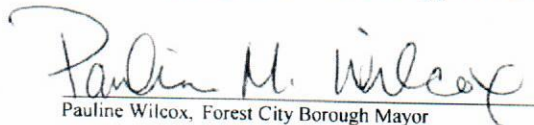
Enacted this 6th day of November 2017.

ATTEST:


Sharon M. Vannan, Borough Secretary/Treasurer


William D. Orasin, Forest City Borough President

The foregoing Ordinance is approved on the 6th day of November 2017.


Pauline Wilcox, Forest City Borough Mayor