

PROPOSED  
ORDINANCE NO. 387

An Ordinance Regulating the Manner of Collection, Costs and Disposal of Refuse, Rubbish, Solid Waste. Providing for Licensing, and Penalties for Violation; Also Restricting Fires and Open Burning and Prescribing Penalties for Violation.

THE BOROUGH OF SUSQUEHANNA DEPOT HEREBY ORDAINS AS FOLLOWS:

SECTION 1. INTENT AND PURPOSE: All domestic, commercial and Industrial refuse accumulated or stored upon any property within the Borough of Susquehanna Depot shall be collected and removed by a responsible person or collector who shall be licensed with the Borough of Susquehanna Depot and shall be disposed in an area authorized by and approved by the Borough of Susquehanna Depot Council in accordance with all state regulations. The collection and removal of all commercial refuse and rubbish shall be the responsibility of the Commercial operator. Commercial operator may elect to use a Refuse Hauler other than the hauler(s) designated by the Borough of Susquehanna Depot for the removal of Residential Refuse.

SECTION 2. DEFINITIONS: As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

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|------------------|---|
| ASHES -          | residue from the burning of coal, coke or other combustible material.   |
| DISPOSAL -       | storage, collection, disposal or handling of refuse.  |
| DWELLING -       | place of residence within the Borough of Susquehanna Depot of one or more persons where refuse is generated through normal living habits. It shall include apartments or building devoted to multiple-family occupancy. |
| COMMERCIAL -     | Restaurant, Hotels and other Business not used as a residence.  |
| FURNACE -        | any enclosed device specifically designed for burning any material for the production of heat.  |
| GARBAGE -        | means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.  |
| GOVERNING BODY - | the Borough Council of the Borough of Susquehanna Depot.  |

- INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material and which is approved for such use by the applicable state and/or federal regulatory bodies.
- OCCUPANT - person generally in possession and control of any dwelling.
- OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.
- REFUSE - all solid waste, except body waste, including garbage, ashes and rubbish.
- RUBBISH - glass, metal, paper, plant growth, wood or non-biodegradable solid waste.
- SALVAGE OPERATIONS - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to, metals, chemicals, shipping containers or drums.
- PERSON - any natural person, association, partnership, firm or corporation.
- LANDLORD - a person, who rents or leases land, houses, apartments, etc. to others. Who keeps a rooming house, inn, etc.
- TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.
- RESIDENT - One who has his residence in a place.
- RESIDENCE - A factual place of abode. Living in a particular locality.
- SOLID WASTE - Any waste, including but not limited to municipal, residual or hazardous wastes, including solidified liquids, semisolids or contained gaseous materials.

In this Ordinance the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

SECTION 3.        LICENSING OF COLLECTORS:

1. No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the Borough of Susquehanna Depot or dispose of same in any manner or place without obtaining a license.
2. The fee for such license shall be not less than \$100.00 or more than \$200.00, all licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
3. Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.
4. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Ordinance.
5. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him without first receiving the approval of the Susquehanna Borough Council.
6. No licensed collector shall permit any outfallings from the conveyance of refuse to lie upon any of the streets or alleys of the Borough of Susquehanna Depot.
7. No person shall permit any unlicensed collector to take any refuse from premises owned or occupied by him.

SECTION 4.        CONTAINERS FOR WEEKLY COLLECTION: Every family or household at whose premises refuse is collected or removed shall provide and maintain at all times, a portable metal or plastic receptacle or plastic bag. Said metal or plastic receptacle must be watertight and equipped with tight fitting cover and kept in a clean and sanitary condition and said plastic bag must be securely tied. Garbage shall be placed in a metal container, plastic container, plastic bag all being of the type and design that is normally used for the purpose of garbage disposal. All containers not to be larger than 35 gallon capacity. Ashes shall be placed in a separate fire resistant containers. Rubbish shall be placed in approved containers, or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the collector, and not to exceed thirty-six (36") inches in length and fifty (50) lbs. in weight.

SECTION 5. POINT OF COLLECTION: The Contractor shall pick up all refuse placed at the curb at all residential properties.

SECTION 6. COST: The cost of weekly garbage collection shall be based on the number of containers at a fee per container established by agreement between Susquehanna Borough Council and the designated and licensed collector(s).

SECTION 7. SCHEDULES: The Contractor shall pick up all refuse placed at curbside, provided a resident or commercial operator has contracted for same, once every week on the same day each week unless said day falls on a Legal Holiday, in which case it will be the Contractor's responsibility to advise the Susquehanna Borough residents of an alternate pickup day. All refuse will be picked up by the Contractor between 6:00 a.m. and 6:00 p.m. Monday through Saturday. Residential garbage shall be placed at curbside for pickup only on scheduled pickup day. At no time shall residential garbage be placed at curbside more than six hours in advance of pickup day. All emptied refuse containers must be removed from curbside after pickup.

SECTION 8. ACCUMULATION OF REFUSE PROHIBITED: No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots or other property nor thrown in any stream or other body of water or in any private, commercial or municipal container except in a container owned by the depositor thereof. All residential and commercial refuse shall be stored in a container designated by this Ordinance at all times on the premises of any resident or commercial site in preparation for scheduled pickup. Commercial refuse shall be stored in a metal dumpster type container with a lid or in a container described in Section 4 hereof.

SECTION 9. 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 large capacity dump stype containers normally used by commercial establishments and others who may generate or accumulate an amount of refuse not consistent with normal residential refuse. All vehicles shall display the collector's firm name and equipment number. Under no circumstance shall any vehicle used or designed for the collection of refuse be parked full or part full or empty in the Susquehanna Borough limits for more than sixty (60) minutes in any twenty-four (24) hour period. In case the refuse vehicle becomes disabled, the hauler will cause to have said refuse vehicle removed immediately to an area outside of the Borough of Susquehanna Depot. The contractor may remove certain items such as appliances, chairs, leaves, etc. that will not fit into a packer type refuse vehicle

with an alternate vehicle, but shall not under any circumstance remove household or commercial refuse in any alternate vehicle. Except severe weather conditions.

SECTION 10. 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, along with copy of Department of Environmental Resource permit for said area.

SECTION 11. BILLING PROCEDURE: The collector and the Borough of Susquehanna Depot, by agreement, shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The collector shall enter into individual or separate contracts with each householder or occupant of the premises, without liability to or upon the Borough of Susquehanna Depot. The Borough of Susquehanna Depot shall reserve the right to change the billing procedure with the concurrence of the contractor.

SECTION 12. COMPLAINTS AND ENFORCEMENT: The Susquehanna 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 Susquehanna Borough Council's decision shall be final and binding upon the contractor. The Susquehanna Borough Council shall use the Codes Enforcement Officer as it's agent to investigate any complaints in regards to this section of this Ordinance. In the absence of the Codes Enforcement Officer, the Council President; in the absence of the Council President, the Mayor. The Susquehanna Borough Police Department will enforce Sec. 9, and any part of this Ordinance in regards to scattering of rubbish as described in the Pennsylvania Crimes Code, Title 18, Sec., 6501.

SECTION 13. ASSIGNMENT OF LICENSE: The contractor shall not assign his license in whole or in part without the written consent of the Borough of Susquehanna Depot Council. Such consent does not release the contractor from any of his or its obligations and liabilities under the license. Any violation of this Ordinance or specifications shall be sufficient cause for the immediate cancellation of the license by the Borough of Susquehanna Depot Council.

SECTION 14. 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 of Susquehanna Depot 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.

SECTION 15. 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 of Susquehanna Depot, but shall, at all times, be considered and remain an Independent Contractor.

SECTION 16. 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 of Susquehanna Depot, the limits of which shall be not less than \$300,000.00 - \$500,000.00 personal liability and \$100,000.00 property damage, and shall furnish the proper certificates of Insurance Coverage to the Borough of Susquehanna Depot.

SECTION 17. CANCELLATION OF LICENSE: Any violation of these specifications shall be sufficient cause for the immediate cancellation of the license.

SECTION 18. 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 of Susquehanna Depot.

SECTION 19. EVIDENCE OF SATISFACTORY EQUIPMENT: The Contractor shall furnish evidence satisfactory to the Borough of Susquehanna Depot, 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 this Ordinance and the Borough of Susquehanna Depot Council.

SECTION 20. CERTIFIED LIST OF CUSTOMERS: The Contractor shall deliver to the Borough of Susquehanna Depot Council at least fifteen (15) days prior to the anniversary date of the license, and at least thirty (30) days prior to the termination date of the license, a certified list of customers. The list shall become and remain at all times the property of the Borough of Susquehanna Depot.

SECTION 21. EXTENTION OF DATE FOR OBTAINING LICENSE: All contract carriers presently operating, who have entered into an existing contract with a resident of the Borough of Susquehanna Depot providing for the collection of that resident's refuse, shall be permitted to continue collecting of that refuse of that resident for the duration of the contract period. At the expiration of the contract, the contract carrier shall be required to effect complete compliance with the licensing requirements of this ordinance and shall be bound by licensing requirements as to the collection of refuse from any new resident and shall be subject to the licensing requirements of this Ordinance in respect to any contract entered into between the carrier and a resident of the Borough of Susquehanna Depot after the effective date of this Ordinance.

SECTION 22. REGULATIONS: Within the Borough of Susquehanna Depot limits, no person shall:

1. ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building, or

2. cause, suffer, allow, or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

EXCEPTIONS:

1. Open fires may be set in the performance of an official duty of any public officer or Borough of Susquehanna Depot Fire Department if the fire is necessary for:

- A. the prevention of a fire hazard which cannot be abated by other means; or

- B. the protection of public health.

- C. education and training of fire department members.

2. Open fires may be set with approval of the authorized enforcement agent of this ordinance; provided,

- A. leaves, branches and other non-putrescible vegetable matter only are burned,

- B. there is no practical available alternative method for disposal of the material to be burned,

- C. no hazardous or other objectionable condition will be created by such burning,

D. no such burning is allowed on any street or sidewalk within the Borough of Susquehanna Depot, and

E. all such burning takes place between the hours of 9:00 a.m. and 9:00 p.m.

3. this Ordinance shall not be construed to prohibit the operation of an outside barbecue grill used for the purpose of cooking only.

SECTION 23. It shall be the responsibility of the dwelling owner to insure the proper disposal of residential refuse.

SECTION 24. PENALTIES: Any person, firm or corporation and licensed collector who shall violate any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty five Dollars (\$25.00) or more than three hundred dollars (\$300.00) and/or imprisonment for a term not to exceed ninety (90) days. Any person, firm or corporation that as a result of failure to contract for or pay the fee to the refuse hauler causes the Borough of Susquehanna Depot to remove said refuse, shall be liable to the Borough of Susquehanna Depot for the cost of said removal. Collection of said costs shall proceed by civil due process with the Borough Secretary as agent for the Borough of Susquehanna Depot.

SECTION 25. REPEALER: All Ordinances or parts of Ordinances which are inconsistent herewith, are hereby repealed. The following Ordinances or parts thereof are specifically repealed; 279.

SECTION 26. SEVERABILITY: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of the Ordinance. It is hereby declared as the intent of the Borough of Susquehanna Depot Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE AND APPROVAL.



ORDAINED AND ENACTED this the            day of            , A.D., 1989,  
by the Council of the BOROUGH OF SUSQUEHANNA DEPOT IN A REGULAR  
MEETING ASSEMBLED.

BOROUGH OF SUSQUEHANNA DEPOT

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President of Council

ATTEST:

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o Mayor, John Bronchella

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Secretary of Council

# BOROUGH OF SUSQUEHANNA DEPOT



218 Exchange Street  
Susquehanna, Pennsylvania 18847  
Phone (717) 853-3235

November 21, 1989

Susquehanna Transcript

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## Proposed Ordinance No. 387

The Borough of Susquehanna Depot amends Ordinance No. 387 to clarify that the Borough is not contracting with the hauler for refuse collection and that the Borough has no responsibility to enforce or collect fees for same. Amending the Burning provisions to clarify prohibited open burning with exceptions.

The Proposed Ordinance is available for public inspection at the Borough Office Monday thru Friday 10:00 a.m. to 5:00 p.m. . Also available at the Susquehanna Transcript Office and the Susquehanna County Law Library.  
L. Judith Canfield, Sec./Treas.

Thank you,

L. Judith Canfield,

BOROUGH OF

# Susquehanna Depot

218 EXCHANGE STREET,  
SUSQUEHANNA, PENNSYLVANIA 18847

PHONE: (717) 853-3235

Susquehanna



February 7, 1990

SUSQUEHANNA COUNTY COURT HOUSE  
Public Avenue  
Mary Foster, Law Library  
Montrose, Pa. 18801

Dear Ms. Foster,

Please be advised that Proposed Ordinance No. 387  
has been changed to Ordinance No. 389, due to the  
fact 387 was a typographical error.

Please change your records accordingly.

Thanking you, we remain,

Very truly yours,

BOROUGH OF SUSQUEHANNA DEPOT

A handwritten signature in cursive script, reading "L. Judith Canfield".

L. Judith Canfield,  
Secretary/Treasurer