

Rec. 8/16/90  
mf

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE BOROUGH OF FOREST CITY, COUNTY OF SUSQUEHANNA, COMMONWEALTH OF PENNSYLVANIA AMENDING \_\_\_\_\_ OF THE FOREST CITY BOROUGH CODE \_\_\_\_\_ AND PROVIDING FOR REGULATIONS GOVERNING COLLECTION OF RECYCLABLE MATERIALS AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

GARBAGE, RUBBISH AND REFUSE

ARTICLE I  
General Provisions

1. Title.
2. Legislative intent.
3. Definitions.

ARTICLE II  
Refuse Disposal Sites

4. Disposal restricted to approved sites.
5. Disposal to be at designated site.
6. Exceptions.

ARTICLE III  
Accumulation and Storage

7. Compliance required.
8. Garbage.
9. Household rubbish.
10. Ashes.
11. Newspapers, magazines and cardboard.
12. Industrial and commercial waste.
13. Construction and demolition waste.
14. Bulky waste.

ARTICLE IV  
Collection Rules and Regulations

15. Residential Collection.
16. Service for industrial and commercial properties.
17. Construction and demolition waste.
18. Storage and Accumulation of waste by collectors.

ARTICLE V  
Collections and Registration of Collectors

19. Municipal waste collectors.
20. Registration.
21. Term of registration.
22. Application for permits.
23. Management and collection requirements.

## ARTICLE VI

### 24. Anti-Scavenging Provisions.

## ARTICLE VII Penalties

### 25. Violations and penalties.

## ARTICLE VIII

### 26. Severability. 27. Repealer.

## ARTICLE I General Provisions

### 1. Title.

This chapter shall be known and may be cited as the "Forest City Borough Refuse Storage, Collection and Disposal Ordinance of \_\_\_\_\_ as amended".

### 2. Legislative intent.

Pursuant to the authorization granted by Act \_\_\_\_ of the General Assembly, approved \_\_\_\_\_ Sec. \_\_\_\_ (the Borough Code as amended, the purpose of this chapter is to promote, protect and facilitate the public health, safety, morals and general welfare by:

A. Instituting a recycling program in accordance with recommendations of the State Assembly, whereby the Borough shall be the sole agent regulating collection of solid waste and requiring residents to purchase Borough disposal bags for the disposal of rubbish and garbage.

B. Regulating the collection, accumulation and storage of solid wastes so as to:

1. Retard the propagation and the harboring of rats, mice mosquitoes, flies and other vermin.

2. Eliminate filth and filthy deposits.

3. Reduce the opportunity for growth of pollen-bearing grasses and weeds.

4. Eliminate attractive nuisances which may endanger the safety of children.



5. Reduce the potential pollution of land, air or water and the disease-producing potential of decaying organic matter.

6. Reduce the potential of spontaneous combustion and fire.

7. Generally promote harmonious, peaceful and comfortable neighborhood life by the elimination of nuisances.

8. Provide for the preservation of valuable natural resources through the elimination of recyclable materials from collection and landfills.

C. Providing for the safe, orderly and economic collection and removal of accumulated waste.

D. Provide for the disposal of solid waste in safe and sanitary methods and in compliance with applicable state and local rules and regulations.

E. Comply with the purpose and intent of Act No. 101, the Pennsylvania Solid Waste Management Act.

### 3. Definitions.

The following words, when used in this chapter, shall have the meanings ascribed to them in this chapter, except in those instances where the context indicates otherwise:

ASHES - The residue resulting from the burning of wood, coal, coke or other combustible material. This definition excludes ashes resulting from industrial process.

AUTHORIZED COMMERCIAL COLLECTOR - A person, firm, or corporation permitted to collect, convey and dispose refuse in accord with the provisions of this chapter.

BI-METAL CONTAINER shall mean empty food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

BOROUGH - The Borough of Forest City.

BUILDING or ACCESSORY STRUCTURE - A building or other structure constructed, existing and used in conformity with the zoning, building and fire prevention ordinances, codes and regulations of the Borough of Forest City.

BULKY WASTE - Large household appliances, such as stoves, refrigerators, televisions sets, washing machines, or the equivalent in size in; furniture and furnishings, plumbing fixtures, large crates, tools, machinery or parts thereof and similar items.



COLLECTOR - Any person collecting or transporting Municipal Solid Waste for owners or occupants of property in the Municipality, including the Municipality itself if it undertakes the collection of Municipal Solid Waste directly, and any business or institution within the Municipality which generates sufficient Municipal Solid waste to require disposal directly by its own employees and equipment.

CONSTRUCTION AND DEMOLITION WASTE - Lumber, roofing material, sheathing, rubble, broken concrete, plaster and brick, conduit, pipe, wire, insulation and similar material which results from a construction, demolition or remodeling process.

COUNTY - The County of Susquehanna and its regulatory agencies.

DISPOSAL BAG or BOROUGH DISPOSAL BAG shall mean any plastic bag distributed solely by the Borough or its agents which shall bear an identification mark established by the Borough. This shall be the only means by which Borough residents can dispose of their rubbish and garbage.

DWELLING UNIT - Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

GARBAGE - All animal and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods.

GLASS CONTAINERS - shall mean clean bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass and porcelain and ceramic products.

HOUSEHOLD RUBBISH - Paper, wood, excelsior, plastics, rags and cloth, leather, rubber, metals, tin cans, metal foils, ceramics, crockery and similar items normally produced by or originating from private residential occupancy; provided, however, that the items set forth herein need not be produced by or originate from a residence to be classed as "household rubbish" so long as such waste is similar to the waste produced by or originating in a residence as to size, weight and material. Household rubbish specifically excludes materials designated as recyclable.

INDUSTRIAL AND COMMERCIAL WASTE - Any material or substance which is a waste by-product of the industrial or commercial process and shall include packaging materials and equipment used in the delivery or shipment of goods to or from the industrial or commercial site.

MAGAZINES AND PERIODICALS - shall mean printed matter containing miscellaneous written pieces published at fixed intervals. Expressly excluded, however, are all other paper products of any nature whatsoever.



**MUNICIPAL COLLECTION SERVICE** - A collection service established and operated by the Borough of Forest City or a private collection service under contract with the Borough.

**MUNICIPAL SOLID WASTE** - Any garbage, refuse, industrial lunchroom or office waste, and other material including solid, or semi-solid material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, but not including any liquid waste or sludge, and other solid waste which is within the definition of "Municipal Solid Waste" as set forth in the Act, and which the Authority by its regulations is willing to accept at the Plant, but excluding: (i) all wastes which are defined by Federal or State Law or Regulations as hazardous waste or residual waste; and (ii) any waste which the generator thereof may dispose of for cash or other actual value.

**MUNICIPAL WASTE COLLECTOR** - A municipal collection service authorized by the borough to collect municipal solid waste within the borough of Forest City, Pennsylvania.

**NEWSPAPERS** - shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however are newspapers which have been soiled.

**NON COLLECTIBLE WASTE** - Includes poisons, acids, caustics, explosives and other hazardous material that may cause damage or injury to collection equipment or personnel; human or animal excrete; and dead animals.

**PERSON** - Includes any natural person, association, partnership, firm or corporation.

**RECYCLABLE MATERIALS/RECYCLABLES** - Shall mean those materials specified by the Borough for collection in accordance with recycling regulations. Such material may include, but not be limited to, aluminum products, clean glass containers, bi-metal containers, newspapers, magazine and periodicals, plastic containers, and yard wastes. What constitutes recyclable material may change depending upon what the Borough is able to dispose of through municipal recycling efforts.

**RECYCLING**- Shall mean the 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.

**REFUSE** - All solid wastes, except body wastes, and shall include, but not be limited to, ashes, rubbish, garbage, industrial and commercial wastes and junk, except that refuse shall specifically exclude hazardous waste.



RUBBISH - Shall mean solid waste exclusive of garbage (e.g. non-recyclable non-putrescible solid waste)

STATE - The Commonwealth of Pennsylvania and its regulatory agencies.

VEHICLE - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

WASTE - Shall mean all rubbish, garbage, municipal, industrial, commercial, and or demolition waste as herein defined.

## ARTICLE II Refuse Disposal Sites

### 4. Disposal restricted to approved sites.

It shall be unlawful to dump, destroy or otherwise dispose of refuse within the jurisdictional limits of the borough except at a state-or county-approved disposal site.

### 5. Disposal to be at designated site.

All refuse shall be deposited and disposed of at a site designated as a state-approved disposal site.

### 6. Exceptions.

An exception to the above requirement to deposit or dispose of refuse at a state-approved site shall be for scrap or salvageable material which may be delivered or sold to a process for reclamation and salvaging.

## ARTICLE III Accumulation and Storage

### 7. Compliance required.

No person shall accumulate or store or permit to be accumulated or stored on any property within the Borough of Forest City any refuse in a method or in quantities not authorized by this chapter and as hereinafter specified; provided, however, that these regulations shall not apply to any refuse accumulated or stored within a building or accessory structure constructed and maintained in accordance with duly established health, zoning and building laws, codes and regulations, nor the storage of clean material designated as a recyclable by the the Borough.

## 8. Garbage and Composting.

A. Garbage shall be drained of liquid, wrapped securely in paper, plastic bags or similar material and placed with other household rubbish in an approved container, as provided in Section 9. Garbage shall not be stored for a period exceeding seven (7) days. An exception to the above accumulation and storage methods for restaurants, institutions and commercial food-handling and processing uses may be granted by the borough through written agreement setting forth the specific conditions and regulations to be applied.

B. Material being composted shall be stored in such a manner as not to create a nuisance or to endanger the public safety. Given this condition material being composted may be stored for more than seven (7) days.

## 9. Household rubbish.

A. Authorized containers and packaging: Household rubbish and garbage shall be collected, stored and/or prepared for collection only in the following containers and methods:

1. The Municipal collection service shall be the sole collecting service for residential rubbish and garbage.

2. For disposal of rubbish and garbage Borough residents will be required to purchase Borough disposal bags and to place all household rubbish and garbage for collection in those bags. The Borough will only collect household rubbish and garbage contained in the Borough disposal bag. This bag shall not be filled so as to weigh more than forty (40) pounds and shall be securely tied or sealed at the time of collection.

3. Tree trimmings, shrubbery clippings and similar material shall be cut in lengths not to exceed four (4) feet and securely tied with string or twine in bundles not more than two (2) feet in diameter. Collection shall be arranged on an individual basis with the Borough. Trimmings not prepared as prescribed will not be collected. The Borough Enforcement Officer or his designee may determine an amount of trimmings to be excessive and refuse collection. Material denied for collection under this provision may be collected by a private hauler.

B. Household rubbish and garbage shall not be stored in a manner that creates offensive or obnoxious odors.

C. General storage methods.

1. Generally, household rubbish must be stored in Borough disposal bags. Where metal or rigid plastic containers



are used, for the temporary storage of material the bottoms and sides of such shall be kept free of residual liquids and solids by periodic cleaning.

2. All rubbish shall be drained of liquids before deposited in Borough disposal bags.

10. Ashes.

It is mandatory that ashes be thoroughly extinguished before placement for collection. Collection shall be accomplished by obtaining a Borough disposal bag and securing the bag to a metal container if not otherwise provided for in the Borough's contract with the municipal waste collector. The municipal collection service shall collect the ashes if they are extinguished along with an empty disposal bag, if such is required. Total net weight of ash shall not exceed forty (40) pounds.

11. Recyclables as defined and determined by the Borough shall be collected in accordance with Borough regulation. Collection may include drop off by residents at a central location and or curbside collection. Collection of recyclables by individuals or organizations as authorized by the Borough shall be permitted.

12. Industrial and commercial waste.

Industrial and commercial waste stored outside of buildings shall be stored in containers of suitable size, shape and material so as to prohibit the waste from being scattered by wind or rain and shall prohibit accessibility of such waste to rodents and other vermin. An exception to the container requirement shall be for an inorganic industrial by-product waste of such quantity that container storage is impractical. In such latter instance, storage shall be by a means which will prohibit the waste material from becoming a practical nuisance to the neighborhood. In all instances, patriciate wastes shall not be stored for periods exceeding seven (7) days, and all other wastes shall not be stored for periods exceeding thirty (30) days.

13. Construction and demolition waste.

Construction and demolition waste may be stored upon the land where actual construction or demolition is in progress; provided, however, that such waste shall not be stored for a period exceeding ninety (90) days and shall not be stored in a way which will allow it to be scattered by wind or rain.

14. Bulky waste.

Bulky waste shall not be stored outside of a building or accessory building on any land in the borough, except for a



period not exceeding fourteen (14) days pending collection and disposal. However, brush, tree trimmings, yard clippings, leaves, grass or other waste from live plantings may be stored for longer periods of time if necessary until the next scheduled collection day for such items or for composting as future mulch material. Commercial and industrial properties shall not place bulky items for collection by the municipal collection service. It shall be a violation of this ordinance for any individual to place bulky waste for collection by municipal collection if that waste is not generated at or directly associated with the residence. Bulky waste disposal shall be the responsibility of the residential customers and is not covered by the municipal collection service.

#### ARTICLE IV Collection Rules and Regulations

##### 15. Residential Collection.

The collection of all ashes, garbage, and household rubbish and bulky waste from residences in the borough shall be by the municipal collection service, except as herein provided, in accordance with the following:

A. All refuse shall be prepared for collection in strict conformity with Article III of this chapter and deposited for collection in accordance with collection standards as adopted by the borough from time to time.

B. It shall be unlawful to place any material for the municipal collection service in unauthorized or defective Borough disposal bags, torn bags or bundles not securely tied. Collection personnel may refuse to collect improperly prepared material and may give notice of such by affixing a tag to the container or material citing the violation. Failure to comply after first notice may result in prosecution.

C. Except when specifically authorized by the borough, disposal bags shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley and readily accessible to and not more than ten (10) feet from the side of the street or alley from which the collection is made.

D. Routes of collection will be along streets, alleys and rights-of-way as from time to time established by the borough. Routes and pickup points will be determined on the basis of the most efficient routing of collection equipment.

E. It shall be unlawful for any person to deposit for collection any refuse or bulky trash item not produced at the address from which collection is made or to bring any refuse or bulky trash



into the borough or from one (1) address to another in the borough for the purpose of taking advantage of the collection service. It shall also be unlawful for any resident to deposit refuse or bulky item for professional or business enterprise engaged in by the resident.

F. It shall be unlawful to store or place for residential collection with household rubbish any of the materials defined as "noncollectible waste".

G. Refuse shall not be placed at collection points earlier than 6:00 p.m. on the day prior to scheduled collection. Empty refuse containers or recycling containers shall be removed from the collection points prior to 6:00 p.m. on the day of collection. In no event shall Borough disposal bags or recycling containers remain at curbside for more than twenty-four (24) hours.

16. Service for industrial and commercial properties.

It shall be the responsibility of the owner or occupant of all commercial and industrial properties to dispose of all refuse produced by an industrial or commercial process by contracting for the collection, conveyance and disposal of such refuse with his own vehicles or contracting for the collection, conveyance and disposal with the municipal collection service, if available; provided however, that all such collections must be in accord with the other conditions of this chapter. For purposes of this chapter all buildings with four (4) or more dwelling units shall be treated as commercial properties.

17. Construction and demolition waste.

All waste material resulting from building or structure alteration, repair, construction or demolition shall be removed by and at the expense of the owner of the premises upon which such waste was produced.

18. Storage and Accumulation of waste by collectors.

No collector may store, hold, keep or otherwise accumulate waste within the Borough for any period of time beyond the normal hours of collection on the day of collection.

ARTICLE V  
Collection and Registration

19. Municipal waste collectors.

All municipal waste collectors wishing to do business in the Borough shall comply with all applicable federal, state, county and borough laws, rules and regulations including the requirements contained in their contracts.



20. Registration.

It is hereby declared to be unlawful for any person to act as a Collector in this municipality without first registering with the Borough Enforcement Officer pursuant to this Ordinance and such additional requirements as the municipality may find to be appropriate and hereafter establish.

21. Term of Registration.

Each Collector's registration shall be effective for a maximum of one calendar year, terminating on December 31 of the year following its issue. No registration heretofore or hereafter issued shall be transferable.

22. Registration Fee.

Every collector shall pay an annual registration fee as established by resolution of Borough Council.

23. Management and Collection Requirements.

All vehicles used for the collection and transportation of Municipal Solid Waste shall comply with all safety regulations of the Commonwealth of Pennsylvania.

The Collection vehicle operator shall be responsible for immediately cleaning up all spillage caused by his operation, for protecting private and public property from damage resulting from his operations, and for creating no undue disturbance of the peace and quiet in areas where he operates.

ARTICLE VI

24. No person shall handle, take or remove Municipal Solid Waste set out for collection unless duly licensed by the Municipality. When Municipal Solid Waste is discarded for pick-up and subsequent recycling, it shall become the property of Forest City Borough. Any person who picks up said Solid Waste for his or her own use shall be guilty of an infraction of this Ordinance.

ARTICLE VII  
Penalties

25. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300) and costs of such proceedings or, upon default of payment of such fine and costs, by imprisonment in the county jail for a term of not more than

thirty (30) days; provided however, that if the District Justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the District Justice deems to be just.

#### ARTICLE VIII

##### 26. Severability.

If any sentence or part of this Ordinance is for any reason found to be illegal, such illegality shall not affect any of the remaining sentences or parts of this Ordinance, which shall continue to be fully operative as if the illegal part had not been enacted.

##### 27. Repealer.

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

Enacted and ordained this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

BOROUGH OF FOREST CITY

BY: \_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Mayor



FIELDS AND BIANCO  
*Attorneys at Law*

ROBERT J. FIELDS  
DAVID F. BIANCO

PLEASE REPLY TO:

BOX 329  
251 BELMONT STREET  
WAYMART, PA. 18472

717-488-5393  
488-5280

BOX 84  
707 MAIN STREET  
FOREST CITY, PA. 18421  
717-785-5788  
785-5988

August 13, 1990

Susquehanna County Law Library  
Court House  
Montrose, Pennsylvania 18801

Dear Librarian:

Please find enclosed a copy of a proposed ordinance for  
Forest City Borough.

Very truly yours,

Robert J. Fields, Esquire

RJF:dk

Enclosure