

Chapter 20

Solid Waste

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Part 1**Collection and Disposal****A. General Provisions****§20-101. Definitions.**

For the purpose of this Part, the following terms shall have the meanings indicated:

Garbage - the animal or vegetable refuse from storage, vending, sale, preparation or use of foodstuffs, such as meats, fish, fruits or vegetables.

Refuse material - includes ashes remaining and resulting from the burning of coal or wood.

(Ord. 3-1956, 7/9/1956)

§20-102. Weekly Residential Collection and Disposal.

The garbage and refuse material accumulated on premises used for the purpose of private residence within the geographical limits of the Borough of Clarks Green shall be collected, removed and disposed of weekly.

(Ord. 3-1956, 7/9/1956)

§20-103. Receptacles.

Every person from whose premises garbage is gathered shall provide and keep at all times a portable or receptacle, watertight and with handles on the outside and with a tightly fitting cover to hold said garbage, and all kitchen and table waste of vegetable and animal matter which is not intended to be used as food for livestock shall be wrapped in dry papers before being placed in said cans or receptacles. All garbage cans and receptacles shall be kept in a sanitary condition in places accessible to the collector and sufficiently sheltered to prevent their freezing to the ground. Garbage and refuse material shall be kept separately and be deposited in separate containers.

(Ord. 3-1956, 7/9/1956; as amended by Ord. 3-2005, 10/10/2005)

§20-104. Collection and Conveyance.

Collection, removal and disposing of garbage and refuse material, whether accomplished by employees of the Borough or by contract with persons or a corporation other than the Borough shall be accomplished by motor-driven vehicles with watertight beds in such a manner as to assure general sanitation throughout the entire process and operation thereof. The hauling of such garbage or refuse material shall be only in conveyances and receptacles so constructed so as to prevent the same from spilling, dripping or otherwise falling upon any walk, street, alley or way.

(Ord. 3-1956, 7/9/1956; as amended by Ord. 3-2005, 10/10/2005)

§20-105. Placement of Containers.

Garbage and refuse material shall be collected from residences once each week. On

the days when collection is to be made, the occupant or proprietor of the place where the garbage or refuse material is accumulated shall place the container at a point on the property of the occupant where the same abuts the public street, alley or way adjoining such property.

(Ord. 3-1956, 7/9/1956)

§20-106. Accumulation and Placement in Certain Areas Prohibited.

No garbage or refuse material shall be allowed to accumulate on the ground nor be deposited on highways, vacant lots, commons or streams located within said Borough of Clarks Green.

(Ord. 3-1956, 7/9/1956)

§20-107. Enforcement.

The Council shall appoint from its own membership a person or Committee who shall be in charge of supervising the operation of this Part who shall have authority to make such rules and regulations as may be necessary to put the same in force and effect and subject to the approval of the Borough Council to execute such leases, contracts or agreements as may be necessary to effectuate the same.

(Ord. 3-1956, 7/9/1956)

§20-108. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 3-1956, 7/9/1956; as amended by Ord. 3-1989, 10/9/1989, §70-8; and by Ord. 3-2005, 10/10/2005)

B. Collection Containers**§20-111. Definitions.**

For the purposes of this Part, the following terms shall have the meanings indicated:

Person - includes owner, tenant, occupant, person, partnership or corporation.

(*Ord. 2-1983, 1/10/1983*)

§20-112. Placement and Removal.

1. No person shall place upon a public right-of-way, the area adjacent to a public right-of-way or on or near a sidewalk any container, trash bag, receptacle or trash in any other form (including recyclables) before 5:00 p.m. on the day prior to the day scheduled by the Borough for trash, garbage and recyclable collection. [*Ord. 4-2001*]

2. It shall be unlawful for any person to allow any container, trash bag or receptacle to remain within a public right-of-way, the area adjacent to a public right-of-way or on or near a sidewalk more than 12 hours after said container, trash bag or receptacle has been emptied.

(*Ord. 2-1983, 1/10/1983; as amended by Ord. 4-2001, 11/12/2001*)

§20-113. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 2-1983, 1/10/1983; as amended by Ord. 3-1989, 10/9/1989, §70-11; and by Ord. 3-2005, 10/10/2005*)

Part 2**Recycling****§20-201. Findings.**

The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern by reason of the growing problem of solid waste disposal and its impact on the environment. The collection of municipal solid waste for recycling from residences in the Borough will serve the general public interest by reducing the volume of municipal solid waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste; preserving valuable natural resources and will result in a financial benefit to the residents and taxpayers of the Borough by reason of the avoided costs realized by volume reduction via recycling. Collection regulations must be established to implement the program, facilitate the accomplishment of its objectives and to encourage the fullest possible citizen participation in the program.

(Ord. 5-1991, 5/13/1991)

§20-202. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases used throughout this Chapter shall have the following meanings:

Aluminum - all products made of aluminum, including aluminum cans, wrappers, containers for prepared dinners or other foods, and excluding foil, paint cans and aerosol spray cans.

Bimetallic cans - empty food and beverage containers consisting of ferrous sides and bottoms and aluminum tops.

Commercial establishments - those properties used primarily for commercial or industrial purposes.

Debris - stones, dirt, demolition material, broken concrete and other material, brush, branches, small trees and bushes.

Ferrous cans - empty steel or tin food or beverage containers.

Garbage - putrefactive animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

Glass - all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being made for packaging or bottling of various matter and all other material commonly known as "glass," including clear, brown and green glass, but excluding, however, blue and flat glass and glass commonly known as "window glass," "dishes," "mirrors," "light bulbs," "crystal" and "ceramics."

Newspaper - paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals, as well as all other paper products of any nature, are not considered "newspaper."

Person - includes a lessee, as well as an owner of a residence, and includes a person, firm or corporation which owns a residence.

Plastic containers - empty plastic food and beverage containers.

Recyclables - material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetallic cans, ferrous cans, glass containers, computer printout paper, office paper, newspaper, paper products not chemically coated and plastic containers. Excluded as "recyclables" are corrugated paper (cardboard and paper boxes) and such other items as the Borough from time to time may by regulation announce.

Residence - any single, multifamily or other residential dwelling.

Trash - debris, ashes, plastic material, ceramics, blue and flat glass, nonputrefactive solid waste, grass clippings, leaves, building materials, contaminated paper and other similar materials.

(Ord. 5-1991, 5/13/1991)

§20-203. Program Established.

The Borough hereby establishes a source-separation – resource-recovery program for the mandatory separation and collection of municipal solid waste to be recycled from all residences in the Borough for which municipal solid waste collection is provided by the Borough. Collection of recyclables shall be made periodically by the Borough or its designated agent for recycling purposes.

(Ord. 5-1991, 5/13/1991)

§20-204. Authorization to Promulgate Regulations.

The Borough Council of the Borough is hereby authorized and empowered to establish and promulgate regulations on the manner, days and times of collections of recyclables and definitions of and exclusions from recyclable materials and the bundling, handling, location and time of placement of such materials for collection.

(Ord. 5-1991, 5/13/1991)

§20-205. Separation and Placement of Recyclables.

The occupant or owner of any building within the Borough who shall place for disposal, removal and collection the following named items shall do so in strict conformity with the following:

A. *Recyclables.*

(1) Recyclables shall be kept separate from other refuse, debris and trash, and shall be collected by the Borough or under contract by its designated agent. Individual household units shall separate and prepare for collection these materials in the following manner: newspapers shall be tied both across and lengthwise in easy-to-manage bundles or placed in paper bags and kept dry; all other recyclables shall be emptied, cleaned and placed in metal or plastic containers or such containers as may be supplied by the Borough. These materials shall be placed at the curbside to be collected at times

designated by the Borough.

(2) Recyclables shall not be placed in the same garbage can or receptacle or otherwise mixed with other forms of solid waste for collection, removal or disposal.

B. *Garbage.* The receptacle for garbage shall be a container of galvanized iron or heavy duty plastic and shall be watertight and provided with suitable handles and a tight-fitting cover that will prevent access of flies and other insects to the contents. The same shall be covered at all times and shall have a capacity of not less than 4 gallons and not more than 32 gallons. Garbage placed for pickup shall not include recyclables or other foreign items.

C. Trash and debris shall be placed in metal or heavy duty plastic containers, boxes or plastic bags secured by a lid or securely tied with a total weight not to exceed 25 pounds.

D. *Brush.* Branches shall be tied in bundles not to exceed 4 feet in length and of sufficient size and weight not to exceed 25 pounds, to be handled by one man.

E. Large nonmetal items, such as furniture, rugs, mattresses, television sets and tires, shall be placed at curbside on the day designated for collection of such items.

(Ord. 5-1991, 5/13/1991)

§20-206. Ownership of Recyclables.

All municipal solid waste to be recycled placed by the resident for collection by the Borough pursuant to this Chapter and regulations hereunder shall, from time of pickup, become the property of the Borough, except as otherwise provided by §20-208 of this Chapter.

(Ord. 5-1991, 5/13/1991)

§20-207. Prohibited Collection.

It shall be a violation of this Chapter for any person, firm or corporation, other than the Borough or one authorized by the Borough, to collect municipal solid waste to be recycled placed by a resident for collection of the Borough, unless such person, firm or corporation has prior written permission to make such collection. Each unauthorized collection in violation hereof from one or more residence on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 5-1991, 5/13/1991)

§20-208. Donation or Sale of Recyclables.

Any resident may donate or sell municipal solid waste to be recycled to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclables from the collection point of a residence without prior written permission from the Borough to make such collection.

(Ord. 5-1991, 5/13/1991)

§20-209. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 5-1991, 5/13/1991; as amended by Ord. 3-2005, 10/10/2005)

Part 3**Designated Contractor and Payment****§20-301. Sole and Exclusive Contractor.**

Effective April 1, 2009, all residential municipal solid waste (“MSW”) and recyclables accumulated from residential households in the Borough shall only be collected, conveyed and disposed of by a refuse contractor designated by the Borough (the “designated contractor”). The designated contractor shall have the sole and exclusive license and privilege to provide MSW and recyclable collection, removal, conveyance and disposal services as within the geographic limits of the Borough as provided for pursuant to a contract between the Borough and the designated contractor.

(Ord. 4-2009, 3/23/2009, §2)

§20-302. Designation of Contractor.

For the 5-year period beginning April 1, 2009 and ending March 31, 2014, (the “contract period”) the Borough has contracted with Lakeland Sanitation, LLC, pursuant to which Lakeland Sanitation, LLC, will be the designated contractor for the contract period to collect, remove, convey, dispose and recycle MSW and recyclables generated, produced and accumulated by residential households within the Borough.

(Ord. 4-2009, 3/23/2009, §2)

Part 4**Fees****§20-401. Charges by Designated Contractor.**

Beginning April 1, 2009, and continuing during the contract period all owners or occupants of residential households in the Borough shall be responsible for the payment of an annual refuse fee (the “refuse fee”). The refuse fee for each residential household shall be at the following rates for the contract period:

- A. April 1, 2009 to March 31, 2010 - \$228.
- B. April 1, 2010 to March 31, 2011 - \$234.
- C. April 1, 2011 to March 31, 2012 - \$240.
- D. April 1, 2012 to March 31, 2013 - \$246.
- E. April 1, 2013 to March 31, 2014 - \$252.

(Ord. 4-2009, 3/23/2009, §)

§20-402. Billing by Designated Contractor.

The refuse fee, provided for herein, shall be payable in four quarterly installments per contract year. The designated contractor will be responsible for billing all residential households within the Borough. The refuse fee will be payable during the months of May, August, November and February. By way of example, services during the months of April, May and June of a contract year will be payable during the month of May. The refuse fee shall be paid by the owner or occupant of the residential household directly to the designated contractor in accordance with the billing statements sent to each residential household by the designated contractor.

(Ord. 4-2009, 3/23/2009, §2)

§20-403. Non-payment.

If any quarterly refuse fee is not paid within 30 days of its due date, the designated contractor may impose interest on such delinquent amounts in accordance with and subject to the laws of the Commonwealth of Pennsylvania. Delinquent accounts will be subject to civil and/or criminal actions in accordance with the procedures applicable in Lackawanna County, Pennsylvania, for collection of the delinquent refuse fee, interest, fines, costs of collection pursuant to all applicable remedies available to either the designated contractor or the Borough.

(Ord. 4-2009, 3/23/2009, §2)

§20-404. Termination of Collection.

The designated contractor may upon 30 days prior written notice (with a copy to the Borough) terminate collection services to any residential household which fails to pay the refuse fee imposed hereunder within 30 days from the date such payment is due. The designated contractor shall promptly provide written notice to the Borough of any discontinuance of collection services to a residential household as a result of nonpay

ment of the refuse fee.

(Ord. 4-2009, 3/23/2009, §2)

§20-405. Penalty for Violation.

If action is brought by the Borough against any owner or occupant of a residential household for violation of any provisions of this Part shall upon conviction be subject to pay a fine not exceeding \$500 for each separate offence together with costs. Action by the Borough shall not preclude the filing of any civil or equitable action against the violator by the designated contractor.

(Ord. 4-2009, 3/23/2009, §2)