

Borough of Tunkhannock
Ordinance No. 2009-4

An Ordinance Regulating the Storage,
Collection and Disposal of Yard Waste,
Recycling Material, Bulk Waste and Refuse in
the Borough of Tunkhannock, Setting and
Imposing Fees and Providing Penalties for
violations

Section 1. Definitions. The following words and terms, as used in this Ordinance, shall have the meanings given to them in this section.

- A. The term "Borough" shall mean the Borough of Tunkhannock, Wyoming County, Pennsylvania.
- B. The term "bulk waste" shall include discarded furniture, large household appliances such as washing machines, bathtubs, sinks, and commodes.
- C. The term "commercial unit" shall mean a building or part of a building used to carry on a trade, business, industrial or non-residential use, and which activity produces refuse. A place of religious worship, school, and other public and semi-public uses shall be considered a commercial unit for purposes of this ordinance.
- D. The term "dumpster" shall mean a bulk container designed for the collection of large amounts of refuse and designed to be mechanically unloaded into a refuse collection vehicle.
- E. The term "dwelling unit" shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, whether occupied or unoccupied.
- F. The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

- G. The term "person" shall include any natural person, association, partnership, firm or corporation.
- H. The term "private waste disposal contractor" shall mean a person licensed by the Commonwealth of Pennsylvania to collect, transport and dispose of waste material.
- I. The term "recyclables" shall mean those items specified by resolution of Borough Council from time to time.
- J. The term "refuse" shall mean all solid wastes except body wastes and shall include garbage and rubbish.
- K. The term "rubbish" shall include glass, metal, paper, or non-putrescible solid wastes, i.e., waste material that does not spoil or decay.
- L. The Term "waste material" shall mean refuse, bulk waste, recyclables and yard waste.
- M. The term "yard waste" shall mean lawn clippings, tree trimmings, leaves and brush.

Section 2. Waste Material Storage. Prior to pick-up by the Borough or by a private waste disposal contractor, waste material shall be stored as noted below so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances and comply with the following:

- A. Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, watertight, washable containers, equipped with handles and tight-fitting covers or dumpsters.
- B. Rubbish shall be stored in durable containers with tight-fitting covers or dumpsters.

- C. Glass, Plastic and Metallic Recyclables shall be clean and stored in durable, rust-resisting, nonabsorbent, watertight, washable containers, equipped with handles and tight-fitting covers.
- D. Paper Recyclables shall be bundled and stored in durable containers with tight-fitting, water resistant covers.
- E. Bulk Waste shall not be allowed to accumulate outside any premises except in a fenced and screened enclosure or a dumpster.

Section 3. Waste Material Collection by Borough.

- A. Borough Council shall establish a collection schedule for waste material collected by the Borough by resolution from time to time.
- B. Refuse shall be drained of liquid, insofar as practicable and be placed in colored plastic bags not weighing more than thirty pounds, securely tied or fastened and affixed with a garbage sticker issued by the Borough and placed for collection by the Borough at the curb, or curb line of the property from which the waste was generated not earlier than 8:00 o'clock of the evening prior to and not later than 7:00 o'clock in the morning of a scheduled collection date. Any waste not collected the date scheduled for pick up shall be properly stored until the next scheduled collection date.
- C. Glass, Plastic and Metallic Recyclables shall be cleaned and drained of liquid, insofar as practicable and be placed in clear plastic bags not weighing more than thirty pounds, securely tied or fastened and placed for collection by the Borough at the curb, or curb line of the property from which the waste was generated not earlier than 8:00 o'clock of the evening prior to and not later than 7:00 o'clock in the morning of a scheduled collection date. Any waste not collected the date scheduled for pick up shall be properly stored until the next scheduled collection date.
- D. Paper and cardboard recyclables shall be tied or bundled and kept dry and placed for collection by the Borough at

the curb, or curb line of the property from which the waste was generated not earlier than 8:00 o'clock of the evening prior to and not later than 7:00 o'clock in the morning of a scheduled collection date. Any waste not collected the date scheduled for pick up shall be properly stored until the next scheduled collection date.

E. Yard Waste shall be bagged, baled, tied or sacked in compact bundles less than three(3) feet in length and placed for collection by the Borough at the curb, or curb line of the property from which the waste was generated during months designated for collection.

F. Borough Council shall by resolution establish a schedule of unacceptable and acceptable bulk waste. Bulk Waste shall only be collected by the Borough on scheduled "clean-up" dates.

1. Acceptable Bulk Waste shall be placed for collection by the Borough at the curb, or curb line of the property from which the waste was generated not more than two days prior to the scheduled collection date.

2. Unacceptable Bulk Waste shall not be collected by the Borough.

Section 4. Garbage Fee.

A. Annual Fee. -- There is hereby imposed upon the owners of each dwelling unit or commercial unit an annual fee in amount determined by resolution of Borough Council from time to time. The fees assessed pursuant to this paragraph shall be payable on or before June 30 of each year. Payments not made on or before June 30 of each year shall be subject to an additional \$25.00 charge.

The fee imposed by this section shall be a lien on the property benefited by such waste collection service, and if the said fees or charges are not paid within sixty (60) days following the date same shall become due, they shall at the discretion of the Borough Council be filed as a lien against the property of the owner so benefited, and shall be collected in the manner provided by law for the collection of municipal claims and liens.

- B. Garbage Sticker Fee. Borough Council shall issue garbage stickers in exchange for an amount determined by resolution of Borough Council from time to time. Only garbage stickers issued by the Borough shall be affixed to bags of refuse placed for collection by the Borough.

Section 5. Private Waste Disposal Contracts. Nothing contained in this Ordinance shall prohibit an owner of a dwelling unit or of a commercial unit from contracting for waste material collection with a private waste disposal contractor, provided that:

- A. Any person contracting with a private waste disposal contractor shall not be relieved of the provisions of this ordinance including the fee provided for in Section 4A, above.
- B. Any waste material to be collected by a private waste disposal contractor shall be stored in and collected from dumpsters. All such dumpsters shall be constructed of rust and corrosion resistant materials, be equipped with tight fitting lids and shall be constructed in such manner as to be watertight, leak proof, weatherproof, insect proof and rodent proof and shall be placed so as to enable convenient mechanical unloading by the contractor and shall be emptied no less than once per week.

Section 6. Prohibitions.

- A. No person shall place waste material in any street, alley or other public place, or upon any private property within the limits of the Borough except in compliance with this Ordinance.
- B. No person shall place or cause to be placed waste material for storage or collection upon any property other than the property upon which such waste material is generated.

Section 7. Nuisance. Any accumulation of waste material in any street, alley or other public place, or upon any private property within the limits of the Borough except in compliance with this Ordinance is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within three (3) days after the effective date of this ordinance shall be deemed a violation of same.

Section 8. Penalty. Any person who violates any provision of this Ordinance shall be guilty of summary offense and upon conviction by a magisterial judge be sentenced to pay a fine of not less than \$500 and not more than \$1,000, to be paid for the use of the Borough, together with costs of prosecution which shall include reasonable attorney's fees. Each and every day that a violation continues shall be considered a separate and distinct offense and shall subject the violator to separate penalties.

SECTION 9. Severability. If any of the provisions of this Ordinance, or the application of any provision hereof, shall be held invalid such invalidity shall not affect or impair the remainder of this Ordinance, it being the intention of Borough Council that such remainder shall continue in full force and effect.

SECTION 10. Repealer. Tunkhannock Borough Ordinances #2004-02 and #1996-2 are hereby repealed. All other Tunkhannock Borough Ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

ENACTED INTO LAW as Ordinance 2009-4 this 5th day of November 2009.

ATTEST:

TUNKHANNOCK BOROUGH

BY: _____
Dawn Welch

BY: _____
ARTHUR S. HUBER,
Council President

BY: _____
NORMAN BALL
Mayor

