

BOROUGH OF CLARKS SUMMIT

LACKAWANNA COUNTY, PENNSYLVANIA

WASTE STORAGE, COLLECTION AND DISPOSAL ORDINANCE NO. 2015-02

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF ITS RESIDENTS BY ESTABLISHING REGULATIONS FOR THE STORAGE, COLLECTION AND DISPOSAL OF MUNICIPAL WASTE AND REQUIRING PERMITS FOR DUMPSTERS LOCATED IN A PUBLIC STREET RIGHT-OF-WAY.

SECTION 101. DEFINITIONS.

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

Ashes - The residue resulting from the burning of wood, coal, coke or other combustible material.

Disposal - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth. Disposal facilities include, but are not limited to, municipal waste landfills and construction/demolition waste landfills as defined by Act 101, Act 97, and/or PA DEP rules and regulations (25 Pa. Code Chapters 75 and 271).

Dumpster - Any container which is equal to or greater than one (1) cubic yard in capacity and which is intended to contain municipal waste or construction/demolition waste as specifically defined and regulated by PA DEP Rules and Regulations.

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

Municipal Waste - Any garbage, waste, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include construction/demolition waste, hazardous waste, infectious waste, radioactive material, residual waste or any other waste as specifically defined and regulated by PA DEP Rules and Regulations, or any recyclable materials.

PA DEP - The Pennsylvania Department of Environmental Protection.

Person - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment, or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Recyclable Materials - Materials that are separated from municipal waste at the point of origin or generation for the purpose of recycling as required by the Borough.

Rubbish - Glass, metal, paper, plant growth, wood, or non-putrescible municipal wastes.

SECTION 102. ACCUMULATION AND DISPOSAL.

A. Accumulation. No person shall permit any municipal waste to accumulate for a period of longer than fourteen (14) days upon property in the Borough owned or occupied by said person.

B. Disposal

1. Municipal Waste. All municipal waste accumulated on any property in the Borough shall be collected, conveyed and disposed of by the Borough-authorized collector in accord with the provisions of this Ordinance, except that such municipal waste may be collected, conveyed and disposed of by property owners from their own property, provided that they comply with the provisions of this Ordinance.
2. Other Wastes. All other wastes as specifically defined and regulated by PA DEP Rules and Regulations shall be stored and disposed of only in accord with the said Rules and regulations.

SECTION 103. DUTY OF OWNERS AND OCCUPIERS OF PROPERTY.

A. Preparation of Municipal Waste.

1. All municipal waste shall be drained free of liquids before disposal.
2. Garbage shall be placed in suitable bags prior to disposal.
3. Liquids shall be drained from food containers prior to disposal.
4. All rubbish shall be placed in containers, or bundled properly, so that it may be handled readily by one person.

B. Municipal Waste Containers.

1. Municipal waste containers shall be made of durable material having close fitting lids in place.
2. Municipal waste containers shall be kept reasonably free of the accumulation or residue of liquids, solids or a combination of such materials on the bottoms and sides of containers.
3. The Borough reserves the right to modify and to specifically provide for some other receptacle for the handling of garbage or other municipal waste which the Borough Council may at some future time deem to be acceptable, appropriate and beneficial.

C. Time and Location of Placement. Municipal waste containers with lids in place and secured bundles shall, for the purpose of collection, be placed at ground level along, but not within, the adjoining public street no sooner than twenty-four (24) hours prior to the day of scheduled collection. All emptied containers shall be removed no later than twenty-four (24) hours following the time collection.

SECTION 104. DUMPSTERS IN STREET RIGHTS-OF-WAY.

- A. Permit Required. It shall be unlawful for any individual to cause a dumpster to be placed in the streets or right-of-way within the Borough until an appropriate permit is obtained from the Borough. The cost of the permits shall be as established from time to time by Borough resolution.
- B. Permit Length. Once an appropriate permit has been obtained, the dumpster may remain in the street or right-of-way of the Borough for a period of two (2) weeks. This period may be renewed by the Code enforcement officer for up four (4) additional weeks, for a total of six (6) weeks maximum duration. After that period the dumpster must be removed, and no additional dumpster permits will be issued for the subject property for a period of two (2) months thereafter.
- C. Visibility. Each dumpster shall be equipped with DOT-approved reflective tape on all sides or similar equivalent material to improve visibility. If the proposed dumpster location is on an arterial or collector highway, or the specific placement warrants, then Type "A" flashing yellow barricade lights shall be placed on the dumpster facing the direction of traffic
- D. Location and Traffic Flow. Each dumpster shall be placed as far as possible from the travel portion of the road and shall be located only where parking is otherwise permitted. Dumpsters shall not obstruct the flow of pedestrian or vehicular movement. If existing road width does not permit the safe placement of a dumpster due to the existence of driveways, site triangles, intersections, hills or curves, or if the remaining travel lane(s) will be narrower than twelve (12) feet clear in either direction, no permit will be issued and dumpsters are prohibited
- E. Road Surface Protection. Dumpsters shall be placed and supported by nominal two-inch-thick solid lumber to protect the road surface from damage. The permit holder is liable for any damage to the road surface.
- F. Dumpster Exteriors. Dumpster exteriors shall be covered in an all-weather coating such as paint, be uniform in color, and only bear the name of the dumpster company and any other safety or operational notices. Dumpster exterior surfaces shall be free from graffiti or commercial advertisements.
- G. Condition of Dumpsters. Dumpsters shall be kept clean, in good repair, and free of offensive odors. Cleaning dumpsters on the street or sidewalk is not permitted. Dumpsters regulated by this §104 shall not be used for the disposal of food garbage. The area surrounding each dumpster shall be maintained free of litter, shall be kept securely covered when not in use, and shall not be overflowing with waste.
- H. Identification. Every dumpster shall have the permittee's name or company logo and telephone number. The user is required to be identified on the dumpster and the permit shall be posted on the dumpster in a publicly accessible manner.

SECTION 105. PENALTIES.

Any person who shall violate any of the provisions of this Ordinance shall receive written notice on their first offense. Following, and upon conviction thereof be sentenced to pay a fine of not less than \$25.00 and no more than \$300.00 plus costs, and on failure to pay such fine and costs, to imprisonment for not more than ten (10) days. Each day's continuance of a violation of any provision of this Ordinance shall constitute a separate offense.

SECTION 106. REPEALS.

This Ordinance repeals any other prior ordinances or ordinance provisions in conflict with this Ordinance.

SECTION 107. SEVERABILITY.

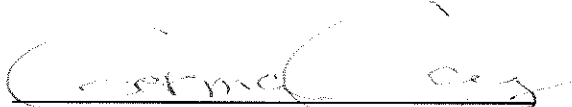
Should any section, subsection, clause, provision or other portion of this ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance; the Borough Council having adopted this ordinance as if such invalid portions had not been included therein.

SECTION 108. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days following its adoption.

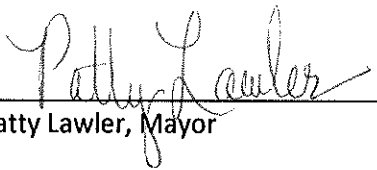
ORDAINED AND ENACTED this 3rd day of February, 2015, by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania.

BOROUGH OF CLARKS SUMMIT

By: 

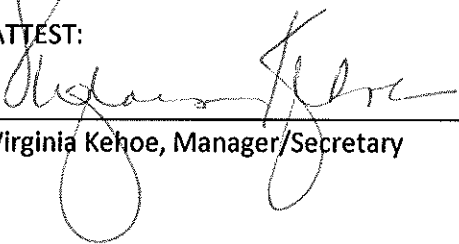
Germaine Carey, Council President

APPROVED this 3rd day of February, 2015

By: 

Patty Lawler, Mayor

ATTEST:



Virginia Kehoe, Manager/Secretary