

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF DICKSON CITY, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING FOR REGULATIONS GOVERNING COLLECTION, SEPARATION, AND RECYCLING OF NEWSPAPER (CLEAN AND UNCONTAMINATED), GLASS, AND OTHER RECYCLABLES AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.

SECTION I. Legislative Purpose.

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 newspaper (clean and uncontaminated), glass, and other recyclables for recycling from residences and/or businesses in the Borough of Dickson City will serve the general public interest by 1) reducing the volume of municipal solid waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste and 2) preserving valuable natural resources; and, will result in a financial benefit to the residents and taxpayers of the Borough of Dickson City 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.

SECTION II. Definition.

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

RESIDENCE - Any single-family or other residential dwelling, municipal, commercial or institutional establishment from which the Borough of Dickson City collects municipal solid waste.

MUNICIPAL SOLID WASTE - All garbage and refuse normally placed by person for regular collection by the Borough of Dickson City.

RECYCLABLES - Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bi-metal cans, glass containers, corrugated paper (cardboard and paper boxes), computer printout paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated, plastic containers (soda and milk containers).

WASTE PAPER PRODUCTS - All uncontaminated paper material such as used newspaper, paper, cardboard boxes, wrapping paper and bags.

### SECTION III. Establishment of Program/Grant of Power.

The Borough of Dickson City hereby establishes and operates a Source Separation - Resource Recovery Program for the mandatory separation and collection of newspapers (clean and uncontaminated), glass, and other recyclables from all residences in the Borough of Dickson City for which municipal solid waste collection is provided by the Borough of Dickson City. Collection of the materials to be recycled shall be made periodically by the Borough of Dickson City by their designated agent for recycling purposes.

### SECTION IV. Establishment of Regulations.

The council of the Borough of Dickson City is hereby authorized and empowered to establish and promulgate regulations on the

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.

ALUMINUM - All products made of aluminum including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

DEBRIS - Stones, dirt, demolition material, broken concrete and other material, brush, branches, small trees and bushes.

GARBAGE - Putrescible 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 excluding, however, blue and flat glass and glass commonly known as window glass.

METAL - All products made of metal, exclusive of aluminum including washers, dryers, refrigerators, stoves, hot water heaters, tire rims, springs, bicycles, bi-metal cans (tin cans) or scrap metal.

TRASH - Ashes, plastic material, ceramics, blue and flat glass, non-putrescible solid waste, grass clippings, leaves, building materials, contaminated paper and other similar materials

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

manner, days, and times of collections of recyclable materials, and the bundling, handling, location and time of placement of such materials for collection.

SECTION V. Separation and Placing for Removal - Containers.

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

A) GLASS CONTAINERS AND NEWSPAPERS shall be kept separate from other refuse and shall be collected by the Borough or under subcontract 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; GLASS CONTAINERS shall be emptied, cleaned, and separated into clear and colored and double-bagged or placed in cartons. These materials shall be placed either at the curbside to be collected at times designated by the Borough or placed in recycling shelters at any time.

NEWSPAPERS AND GLASS CONTAINERS as defined in this Ordinance shall not be placed in the same garbage can as or otherwise mixed with other forms of solid waste for collection, removal, or disposal.

B) GARBAGE. The garbage receptacle 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 four (4) gallons and not more than ten (10) gallons. Garbage placed for pick-up shall not include other foreign items such as plastic bags or metal.

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 fifty (50) pounds.

D) BRUSH. Branches shall be tied in bundles not to exceed four (4) feet in length and of sufficient size and weight (not to exceed fifty (50) pounds to be handled by one man.

E) LARGE NON-METAL ITEMS such as furniture, rugs, mattresses, television sets and tires shall be placed at curbside on the day designated for collection of such items.

F) RECEPTACLE REQUIREMENTS. All receptacles required herein shall be supplied by the occupant or owner of the premises and placed prior to collection between the curb and sidewalk where they shall be readily accessible to the collector. The occupant or owner shall keep all receptacles clean and in condition for safe handling. Receptacles or other items to be disposed of shall be placed outside after 6:00 p.m. of the day immediately preceding the day of collection. After collection any empty containers shall be moved from curbside promptly but not later than 7:00 p.m. of the day of collection.

#### SECTION VI. Ownership of Recyclable Materials.

All newspapers (clean and uncontaminated), glass, and other recyclables placed by the resident for collection by the Borough

of Dickson City pursuant to this Ordinance and Regulations hereunder, shall, from time of pick-up, become the property of the Borough of Dickson City, except as otherwise provided by Section VIII of this Ordinance.

SECTION VII. Collection Prohibited.

It shall be a violation of this Ordinance, for any person, firm or corporation, other than the Borough of Dickson City or one authorized by the Borough, to collect newspapers (clean and uncontaminated), glass, and other recyclables placed by a resident for collection by the Borough of Dickson City, unless such person, firm or corporation has prior written permission to make such collection as set forth in Section VIII of this Ordinance. 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.

SECTION VIII. Other Means of Disposal.

Any resident may donate or sell newspapers (clean and uncontaminated, glass, and other recyclables) 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 recyclable materials from the collection point of a residence without prior written permission from the Borough to make such collection.

SECTION IX. SECTION V VIOLATION AND PENALTY.

Any person who shall violate any provision of this Part shall,

upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and cost of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

The Borough of Dickson City reserves the right not to collect municipal solid waste containing recyclable materials in combination with non-recyclable materials.

SECTION X. Repeal and Severability.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Should any part of this Ordinance be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this Ordinance. It is hereby declared that such parts as are legal would have been enacted independently of the invalid portion had the invalidity of such part been known; and it is the intention of the Borough of Dickson City that such remainder shall be and remain in full force and effect.

SECTION XI. Contracts. Section 506.

A) General Rule. Nothing in this act shall be construed to interfere with, or in any way modify, the provisions of any contract for municipal waste disposal, processing, or collection in force in any county upon the effective date of this act.

B) Renewals. No renewal of any existing contract upon the expiration or termination of the original term thereof, and no

new contract for municipal waste disposal, processing, or collection shall be entered into the effective date of this act, unless such renewal or such new contract shall conform to the applicable provisions of any approved County plan.

C) Renegotiation Option. If no plan has been approved for the County, no contract renewal or new contract for municipal waste disposal, processing, or collection shall be entered into unless such contract contains a provision for renegotiations to conform to the approved plan when such plan is approved by the department.

SECTION 507 - Relationship between Plans and Permitting.

The department shall not issue any municipal waste processing or disposal permit under the Solid Waste Management Act in a county other than a sewage sludge or demolition waste processing.

SECTION XII. Effective Date.

This Ordinance shall take effect and be in force after its approval as required by law.

Duly enacted and ordained this 9<sup>th</sup> day of August, 1989, by the Borough Council of the Borough of Dickson City, Lackawanna County, in lawful session duly assembled.

John F. Maholick  
JOHN F. MAHOLICK  
Dickson City Borough Council President

ATTEST:

Anthony C. Romeo Jr.  
ANTHONY C. ROMEO, JR., Borough Secretary

APPROVED this 15<sup>th</sup> day of August, 1989.

Vincent P. Wiercinski Mayor  
VINCENT P. WIERCINSKI, Mayor