

BOROUGH OF DUNMORE

ORDINANCE No. 30F 2025

AN ORDINANCE OF THE BOROUGH OF DUNMORE, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING FOR REGULATIONS GOVERNING COLLECTION, SEPARATION, AND RECYCLING OF DUNMORE BOROUGH SOLID WASTE TO BE RECYCLED AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

BE IT ORDAINED and enacted by the Borough Council of the Borough of Dunmore, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. 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 (municipal solid waste to be recycled) for recycling from residences and/or business in Dunmore Borough 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 Dunmore 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. The practice of recycling, defined in 53 P.S. §4000.103 by the Municipal Waste Planning, Recycling and Waste Reduction Act, passed by the Pennsylvania State Legislature on July 28, 1988, as may be amended, as "the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials, which would otherwise be disposed or processed as municipal waste" shall be mandatory within the Borough of Dunmore.

SECTION 2. DEFINITIONS.

Definitions may change as recycling markets increase to include more items. Unless the context clearly indicates otherwise, the following words and phrases used throughout this ordinance shall have the following meanings:

ALUMINUM: All products made of aluminum including aluminum cans, foil, wrappers, and containers for prepared dinners or other foods.

BOROUGH: means the Borough of Dunmore, Lackawanna County, Pennsylvania.

BOROUGH COLLECTOR: means that individual, partnership, firm, corporation or business entity designated by the Borough Council as the collector of service fees for collection, transportation and disposal /handling of recyclable material. In addition, with respect to the collection of delinquent accounts as provided for herein, the Borough may institute the action in its own name by its designee, established from time to time or at any time by resolution, motion or other municipal action.

DWELLING: is a building used for residential purposes, except hotels, boarding and lodging houses, tourist cabins, motels and trailers, high rise apartment or senior living facilities all such exempted premises shall remain subject to the collection and reporting for commercial premises.

DWELLING UNIT: is one or more rooms in a dwelling which room or rooms have fixed cooking facilities arranged for occupancy by one person, two or more persons living together, or one family.

EXTERIOR PROPERTY: The space on a property outside of a structure.

FERROUS STEEL CANS: All cans made of metal, bi-metal and tin cans.

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, including glass jars and bottles (green, clear, and amber) excluding, however, ceramics mugs, window glass, light bulbs, and drinking glass.

HIGHGRADE OFFICE PAPER: All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

LICENSED HAULER: Any owner of a waste transportation vehicle licensed under Pennsylvania Act 90 or as otherwise permitted by law.

MUNICIPAL SOLID WASTE: All garbage, trash or refuse normally placed by persons for regular collection.

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.

OWNER: The legal owner of record of property in the Borough, or otherwise having control of the property as an agent, assignee, guardian or personal representative, see also definition of person herein.

PERSON: shall mean any natural individual, person, association, partnership, co-partnership, firm, corporation, company, institution, cooperative enterprise, township, borough, county, city, state, municipality, and/or municipal authority, or in any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "individual" shall include, by way of explanation and not limitation, the officers and directors of any corporation or other legal entity having officers and directors, it shall also includes a lessee as well as an owner of a residence.

PROPERTY: Any separate lot, plot or parcel of land in the Borough having a unique property identification number (PIN).

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 and jars, corrugated paper (cardboard and paper boxes), brown Kraft bags, computer printout paper, computer tab cards, office paper, steel cans, newspaper, magazines, and plastic container (soda, milk, water and detergent bottles).

RESIDENCE: Any single-family or other residential dwelling, municipal, commercial or institutional establishment except as excluded below from which recycling or recyclable material is collected. Each dwelling unit within a structure shall be consider a separate residence.

RUBBISH: Solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper or plastic) and non-compostable plant material, wood or putrescible solid waste.

TENANT: Any person, corporation, partnership or group occupying property by agreement or as a squatter, but who is not the owner of the property.

YARD/LEAF WASTE: Leaves, garden residues, shrubbery and tree trimmings, and similar material, including grass clippings.

SECTION 3. ESTABLISHMENT OF PROGRAM/GRANT OF POWER.

Dunmore Borough hereby establishes and operates a Source Separation - Resource Recovery Program for the mandatory separation and collection of Dunmore Borough solid waste to be recycled from all residences in Dunmore Borough. Collection of the materials to be recycled shall be made periodically by Dunmore Borough or their designated agent for recycling purposes for all residential premises except residential premises having more than four residential units within anyone building or buildings on one lot/premises. All materials classified as "recyclable" or "yard/leaf waste" by applicable municipal authorities and authorities of the applicable recycling facility shall be separated and prepared for collection by residents, commercial, businesses and institutions on the designated day and in, the manner designated by the Borough.

SECTION 4. REGULAR PERIODIC COLLECTION AND/OR DISPOSAL OF RECYCLING:

Every owner, lessee or occupant of any building, structure, premises, property or place of business within the Borough of Dunmore shall be responsible for the regular periodic collection and/or recyclable material which are generated or produced on the property owned or occupied by that person.

SECTION 5. ESTABLISHMENT OF REGULATIONS.

The Council of the Borough of Dunmore is hereby authorized and empowered to establish and promulgate regulations on the manner, days, and times of collections of recyclable materials and yard/leaf waste, and the bundling, handling, location and time of placement of such materials for collection. Curbside recyclable collections shall be performed no less than once per month.

SECTION 6. COMMERCIAL PROPERTIES.

A. COMMERCIAL PROPERTIES.

- a. The municipal collection service provided by the Borough shall not apply to any business or commercial property, and it shall be the obligation of any owner, tenant, occupant or user of any business or commercial property to provide and pay for pickup and removal of any recycling and yard/leaf waste generated from any property which is owned, occupied or used, on a daily, weekly or other basis, from a licensed trash/refuse/waste hauler, and upon request to furnish documentation of the contracted service inclusive of duration, frequency and such other relevant information that establishes such service. Composting or leaving to decompose in place are acceptable methods of disposal; yard waste cannot be thrown in the regular garbage. In addition, business and commercial property owners and occupants shall provide such other information on recyclables as required by the borough from time to time. Failure to provide certification to the borough upon five (5) days of the request shall be deemed a violation of this ordinance
- b. Any commercial or business property owner and occupant using a dumpster shall require a lid or cover and shall not be filled to the point where the lid or cover cannot be fully closed.

SECTION 7. SEPARATION AND PLACING FOR REMOVAL - Containers.

- i. The occupant or owner of any building within the Borough of Dunmore shall place for disposal, removal or collection including, inter alia, solid waste, yard waste and recyclables;
- ii. Containers, plastic bags and bundles shall be located so as to be accessible to the collector at ground level and at a point on the curb line of the street or within 10 feet of the public street line from which collection is to be made.
- iii. The Borough requires the collection of all recyclable materials and the separation of yard/leaf waste at all Borough properties and at all community activities both publicly and privately sponsored. Composting or leaving to decompose in place are acceptable methods of disposal; yard/leaf waste cannot be thrown in the regular garbage. (200 or more people in attendance) as required by Act 101, Section 1501(c)(1)(iii);
- iv. With respect to commercial properties the owner and tenant/lessee of any commercial property in the Borough shall present adequate proof that the owner and tenant/lessee has a current contract with a licensed hauler to take all recyclables generated on the property on a weekly basis or more often. The owner and tenant/lessee shall have five (5) days to provide this proof to the Borough as further provided in this Ordinance.
- v. The Borough of Dunmore reserves the right not to collect municipal solid waste containing recyclable materials in combination with non-recyclable materials.

vi. The following named items shall be recycled in strict conformity with the following regulations:

A. **NEWSPAPERS** shall be kept separate from other refuse, clean and uncontaminated, and shall be collected by the Borough or under subcontract by its designated agent. Newspapers shall be tied both across and lengthwise in easy-to-manage bundles or placed in paper bags, and kept dry.

B. **GLASS CONTAINERS, FERROUS CANS, BI-METAL ALUMINUM AND PLASTIC MILK, WATER, SODA AND DETERGENT BOTTLES** shall be emptied, cleaned and placed in containers designated by the municipality to be recycling containers. These materials shall be placed either at the curbside to be collected at times designated by the Borough or placed in recycling containers at times to be determined by the Borough.

C. **RECEPTACLE REQUIREMENTS.** All receptacles required herein shall be approved or supplied by the Borough to the occupant or owner of the residential 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. All recycling, yard/leaf waste permitted by the Borough for collection by itself or its designee for dwelling units, should be set out for collection the evening before the scheduled day. Receptacles or other items to be recycled may not be set out more than the earlier of (i) fifteen (15) hours before the scheduled pick-up time on the scheduled date or (ii) 5 PM on the day before the scheduled collection day. After collection, any empty containers shall be moved from curbside promptly but not later than 7:00 p.m. of the day of collection.

The Borough Council shall have the authority, from time to time, to establish by Resolution or motion pick-up dates and time for recycling, ashes or yard/ leaf waste from dwelling units.

D. **YARD/LEAF WASTE.** All yard/leaf wastes; shall be collected curbside by Municipal employees at least twice per year or at such other times and dates as established by Borough Council by Resolution. (Required by Act 101 Section 1501(c)(2) Branches shall be tied in bundles not to exceed four (4) feet in length and total weight of less than fifty (50) pounds. All leaves and grass shall be in an approved open container or a paper yard waste bag.

E. **COMPOST.** Notwithstanding the terms of this ordinance, compost piles kept by owners and/or tenants shall not violate the terms and conditions of this ordinance, provided that the material in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the material from the compost piles around the property.

SECTION 8. FREQUENCY OF COLLECTION: No person shall accumulate, or permit or cause the accumulation of recycling on or about any building, structure, property, premises or place of business owned, leased or occupied by that person within the Borough of Dunmore, except for the purpose of regular periodic collection, which shall occur at intervals not less frequent than once every seven (7) days or at such other times as may be designated by the Borough. (Required by Act 101 Section 1501(6)(2).

SECTION 9. ADMINISTRATION.

A. All recycling generated in the Borough of Dunmore from dwelling units shall be collected, conveyed and disposed of by the Borough.

- B. It shall be unlawful for any person to collect, convey over any of the streets and alleys of the Borough, or dispose of any recycling from dwelling units within the Borough, in any manner not approved of in this Ordinance or subsequent regulations.
- C. All persons within the Borough of Dunmore shall dispose of collectable recycling from dwelling units within single family, or multi-family homes in the Borough by the Municipal Collection Service only and shall not transport or dispose of refuse by any other means.
- D. Borough Council shall, from time to time, adopt and promulgate additional rules and regulations setting forth the terms, conditions and administrative procedures for levying and collecting of the service fees above.

SECTION 10. OWNERSHIP OF RECYCLABLE MATERIALS.

Dunmore Borough solid waste to be recycled placed by the resident for collection by Dunmore Borough pursuant to this Ordinance and Regulations hereunder, shall, from time of pick-up, become the property of Dunmore Borough, except as otherwise provided by this Ordinance.

SECTION 11. COLLECTION PROHIBITED.

- i. It shall be a violation of this Ordinance, for any person, firm or corporation, other than Dunmore Borough or one authorized by the Borough to collect Dunmore Borough solid waste to be recycled placed by a resident for collection by Dunmore Borough, unless such person, firm or corporation has prior written permission to make such collection as set forth in this Ordinance. Each unauthorized collection from one or more residence on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.
- ii. No person(s), including but not limited to owners, occupants and lessees of property or refuse collector(s):
 - A. shall place, or cause to be placed, or have present upon any property within the Borough, any recyclable materials or trash for collection and disposal by the Borough or any of its Designated Contractors which originates or is generated outside of the corporate limits of the Borough; nor
 - B. shall transport, or cause to be transported, any recyclable materials into the Borough for collection and disposal by the Borough or its Designated Contractors, knowing or having reason to know that the same originates or is generated outside of the corporate limits of the Borough.
 - C. a separate offense shall occur for violation of either subsection A. or B. hereof.
 - D. Further, by way of explanation and not limitation, owners, lessees, occupants, as well as, persons placing, collecting or transporting refuse, yard or leaf waste shall be jointly and severally liable for offenses under subsections A. and B. hereof.

SECTION 12. OTHER MEANS OF DISPOSAL.

Any resident may donate or sell waste which is generated from their residence in the Borough 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 recyclable materials from the collection point of a residence without prior written permission from the Borough to make such collection. Such collection shall be subject, however, to (i) contracts with the County of Lackawanna to the extent applicable and (ii) furnishing reports on recycling tonnage per month and other information as required by the Borough.

SECTION 13. VIOLATION AND PENALTY. Any person who shall violate any provision of this Ordinance shall be subject to the following;

i. It shall be illegal for any person, partnership, corporation or other legal entity (collectively "person") to violate the terms of this Ordinance and a person violating same shall be prosecuted under the rules of procedure for summary proceedings before district justice. Any conviction of a violation of any section or subsection of this Ordinance shall result in the imposition of a fine not less than one hundred dollars (\$100) and not to exceed \$600.00 plus costs or in default of payment of said fine and costs the offender may be sentenced to a term of imprisonment subject to Pa R Crim P. 456 (c) and 42•Pa C.S. 9730 (b). Nothing herein is intended to impede or restrict the prosecution of any criminal offense for any person continuing to violate the terms of this ordinance or any order to stop or desist from any illegal conduct or from being charged with any separate offense under the criminal codes or otherwise. Each day that a violation continues shall be deemed as a separate offense and shall be punishable as such. Each discharge of a substance in excess of the maximum allowable concentration shall also be deemed and shall be taken as a separate violation. In addition to the penalties provided herein, the Borough may sue at law or in equity to enjoin violations herein and in addition to damages may Mover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law or in equity against the person, partnership, corporation, or other legal entity found to have violated this ordinance, or the orders, rules, regulations, and permits issued hereunder.

ii. In addition to assessment penalties and liens, under subsection (i), any person who violates or permits a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding before a district justice or magisterial district judge, shall pay a fine and/or penalty of not less than one hundred (\$100.00) dollars nor more than six hundred (\$600.00) per violation, plus all court costs, including reasonable attorney's fees incurred by the Borough in the enforcement of this Ordinance. Each day the violation exists shall constitute a separate offense. In any case where a penalty for a violation has not been timely paid, and the person against whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for attorney's fees incurred by the Borough in the enforcement proceedings. If the violator neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

iii. In addition to all of the remedies, the Borough is authorized to exercise and reserves all rights of enforcement and remedies for Municipal Claims and Tax Liens as permitted by law.

iv. In addition to or in lieu of a civil action before a district justice or magisterial district judge, or Court, the Borough may enforce this Ordinance in equity. The appropriate officers or agents, including Borough Council, Borough Manager, or Code Officer of the Borough are hereby authorized to seek equitable relief, including injunctions, to enforce compliance herewith.

v. The Borough shall be exempt from the payment of costs in any civil case brought to enforce this ordinance.

vi: Each day a violation occurs shall be a separate offense.

vii. The reasonable attorney's fees shall be at the rate of one hundred and twenty-five (\$125) dollars per hour. Said sum may be amended by Resolution of the Borough, from time to time.

viii. Owners and Tenants shall be jointly and severely liable as permitted by law for violations.

SECTION 14. 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 erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Borough of Dunmore that such remainder shall be and remain in full force and effect.

SECTION 15. CONTRACTS.

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

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 recycling, 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 entity having jurisdiction thereof.

SECTION 16. REPEALER.

Other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith. Nothing herein shall impair the enforcement of any prior ordinance or part thereof with regard to enforcement, now or herein after brought under same prior to the effective date of this Ordinance. Further, nothing herein shall be deemed to repeal any prior Ordinances.

SECTION 17. INSPECTION OF RECYCLABLES: Any person(s) who shall place at curbside, or otherwise, for collection or disposal any recyclable materials by the Borough, shall be deemed to have given consent, whether express or implied, to Dunmore Borough to open and inspect any container, receptacle or enclosure containing, or purporting to contain recyclable materials.

SECTION 18. AMENDMENT.


The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this ordinance, and the effective Administration thereof, and to promulgate rules and regulations to carry out the intent of this ordinance by Resolution or motion, including inter alia, times and manner of collection.

SECTION 19. EFFECTIVE DATE.

This Ordinance shall become effective upon its enactment, according to law.

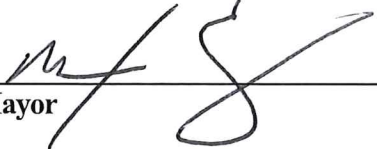
DULY ENACTED AND ORDAINED, this _____ day of _____, 2025 by the Council of the Borough of Dunmore, Lackawanna County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BY: 
Council President

BY: 
Borough Secretary

Examined and Approved the 10 day of MARCH, 2025

BY: 
Mayor