

**ORDINANCE NO. 3 OF 2020**

**Chapter 430**

**Solid Waste**

**[HISTORY: Adopted by the Borough Council of the Borough of Larksville as indicated in article histories. Amendments noted where applicable.]**

**Article I**

**Collection and Disposal**

**[Adopted 1-21-1976 by Ord. No. 6-1976; amended in its entirety 12-30-1987 by Ord. No. 4-1987 (Ch. 98, Art. I, of the 1987 Code)]**

**§ 430-1 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ASHES**

The residue from the burning of wood, coal, coke and other combustible materials for the purposes of heating and cooking. It shall not include the cinders produced in steam-generating plants.

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquid. It shall not include food processing wastes from canneries, packing plants or similar industries nor quantities of condemned food products.

**HOUSEHOLD**

The basic unit of collection, which can be a single-family home, part of a double block, duplex or other multi-dwelling unit.

**PERSON**

A natural person, firm, co-partnership, association, corporation or other type of business entity.

**REFUSE**

Garbage, ashes and rubbish as herein defined.

**RUBBISH**

All waste materials not included in the definition of "garbage," except building rubbish from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles or such other waste materials as are not commonly produced in homes, stores and institutions or cut-down trees.

**SENIOR CITIZEN**

A household which is owned or leased by a person who is 65 years of age or older.

§ 430-2 **Collection and disposal regulations.**

For the Purchase of Garbage/ Recycling Sticker

- A. All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Larksville, including any apartment, mobile home or trailer, which is used in whole or in part for residential purposes, must purchase a garbage/recycling sticker from the Borough of Larksville.
- B. It shall be the obligation of the owner of any such residential structure to purchase a garbage/recycling sticker.
- C. Each owner of a trailer park or multifamily dwelling shall be responsible for purchasing a garbage/recycling sticker for each unit or trailer in the multifamily dwelling or trailer park. It shall be the obligation of the owner of any multifamily dwelling or trailer park to pay to the Borough of Larksville the recycling sticker fee for each dwelling unit or trailer.
- D. Owners of rental housing properties of four units or more and the property managers of condominiums in which each living unit is individually owned must provide for garbage/recycling in their facility and include the following:
- E. All refuse accumulated in the Borough of Larksville shall be collected, conveyed and disposed of by the Borough, and the cost of such service shall be paid for as provided in the schedule of fees set forth in § 430-5 hereof by the person producing the refuse or responsible for the existence or disposal thereof or for whom such refuse is removed. It shall be unlawful for any private collectors to collect, convey over any of the streets or alleys of the Borough or dispose of any refuse accumulated in the Borough, provided that this article shall not prohibit the actual producers of commercial or industrial refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse if such producers or owners comply with all regulations of collection, conveyance and disposal prescribed in this article or made by Council under these terms.
- F. The collection and disposal of refuse in the Borough of Larksville shall be under the supervision of the Council. The Council shall have authority to pass by motion regulations to administer this article concerning the days of collection, type of container and location of collection and disposal, as it may deem advisable; and to change and modify the same regulations as required by law, provided that such regulations are not contrary to the provisions of this article and said regulations are made solely to administer this article. An aggrieved person shall have the right of appeal, against any regulations made, to the Borough Council, which may confirm, modify or revoke any such regulations.
- G. The collection and disposal of refuse for all households shall only be made by the Borough collection services or its designated agent. In no event may any residential premises use any private hauler for disposal of garbage or rubbish other than the Borough collection services or its designated agent. The responsibility for the payment of all fees provided for under this article, shall be the responsibility of the owner of

the premises. This responsibility shall include all fees pertaining to multifamily residences, including apartments, and the owner shall be responsible to pay all fees for each residence/apartment containing the multifamily dwelling unit or apartment building or complex. All garbage fees for such buildings shall be on a per-apartment or per-unit basis and shall be the responsibility of the owner of the building.

**[Amended 12-14-1999 by Ord. No. 7-1999]**

§ 430-3 **General regulations.**

A. Separation of refuse. Garbage, rubbish and ashes shall be placed and maintained in separate containers.

B. Preparation of refuse.

(1) All garbage, before being placed in containers for collection, shall have drained from it all free liquids and may be wrapped in paper.

(2) All rubbish shall be drained of liquid before being deposited for collection.

C. Refuse containers.

(1) All refuse shall initially be placed in thirty-gallon plastic bags or similar watertight thirty-gallon containers. Other garbage receptacles shall be made of metal or plastic, which must be watertight, and shall be provided with a tight-fitting cover.

(2) No person shall use for the reception of garbage a receptacle having a capacity of more than 30 gallons.

(3) All garbage receptacles shall be kept as sanitary as possible in view of the use to which they are put and shall be kept in that condition by the occupant after garbage is removed by the collector.

(4) Ash receptacles shall be made of metal or plastic and shall have a capacity of not more than one bushel.

(5) Rubbish receptacles shall be made of metal or plastic containers and shall have a capacity of not more than 30 gallons.

(6) All refuse receptacles shall be provided by the owner, tenant, lessee or occupant of the premises.

D. All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents must be replaced by owner. Failure to comply may result in refusal to collect or in the removal of the defective receptacle as refuse.

E. Storing of refuse.

(1) No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Borough unless it is

in refuse containers for collection as defined in § 430-3 et seq., or other types of containers approved by regulations adopted by the Borough Council. No person shall throw or deposit any refuse in any stream or other body of water.

- (2) Any unauthorized or untimely accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.
  - (3) Refuse shall be placed for collection only within 24 hours of the scheduled collection day of the household unit.
  - (4) It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored or the collector, to remove the covers or any of the contents of refuse receptacles.
- F. Points of collection. Refuse receptacles shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than 10 feet distant from the side of the street or alley from which collection is made unless approved by the Council and unless an additional payment of the extra service is agreed upon by both parties.

#### § 430-4 Collection practices.

- A. Frequency of collection. Refuse shall be collected once each week unless otherwise regulated by Council after at least seven days' notice to the public.
- B. Limitation on quantity. Each household unit shall be permitted to place two plastic bag containers or other type of approved containers of at least thirty-gallon capacity. If the household unit desires to place an additional quantity, a member of that household must purchase tags or other types of marker for the hereinafter designated cost to permit the Borough to collect refuse in excess of the limit of two thirty-gallon bags.
- C. Special refuse problems.
  - (1) Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collection.
  - (2) Flammable or explosive refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Council at the expense of the owner or possessor thereof.

#### § 430-5 Fees.

- A. The fees for the collection and disposal of refuse placed for collection at ground level and not more than 10 feet distant from the side of the street or alley from which collection is made shall be as follows:
  - (1) Each household unit shall pay an annual fee of \$150 for the collection of household garbage, rubbish and ashes. If this fee is paid prior to January 31 of any calendar year, the household unit shall be entitled to a rebate of \$50 per household permit.



- (2) Each household unit owned or leased by a senior citizen shall pay an annual fee of \$100 per calendar year. If this fee is paid prior to January 31 of any calendar year, the senior citizen of the household unit shall be entitled to a rebate of \$25 per senior citizen household permit.
- (3) The above fees shall be for the weekly collection of two thirty-gallon bags. If any household desires to place more than two thirty-gallon bags for weekly collection, it shall purchase from the Borough tags or other markers for \$1.50 for each additional bag that will be collected on a weekly basis. **[Amended 12-21-1994 by Ord. No. 8-1994]**
- B. All of the fees fixed by this section shall be payable in advance. No rebate will be given for any payment made after January 31 of any calendar year. **[Amended 12-21-1994 by Ord. No. 8-1994]**
- C. All fees shall be considered delinquent if not paid by the 31st day of January as provided for in this section. Thereafter all delinquent accounts are subject to stoppage of refuse collection service without notice. If a delinquent account is not paid within 15 days after notice, the Council shall cease all refuse collection for that account. Service shall be resumed thereafter only upon payment of the accumulated fees for the period of collection and the period of non-collection, plus \$30, unless the Borough Council specifically directs otherwise. The stoppage of services hereinabove authorized for nonpayment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by action in assumpsit or, at the election on the Borough, in any other manner provided by the law for the collection of a municipal claim. Any amendment of said fee and discount shall hereafter by resolution of the Larksville Borough Council. **[Amended 12-21-1994 by Ord. No. 8-1994]**

**§ 430-6 Violations and penalties.**  
**[Amended 6-21-2005 by Ord. No. 5-2005]**

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this article or of any regulations made by the Council under the provisions hereof shall, upon conviction thereof in a summary proceeding, pay a fine of not less than \$25 nor more than \$300 and, in default of the payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period of not more than 30 days. Notice of said violation shall be mailed by regular mail, first class, postage prepaid, to an adult member of the household unit that is violating the provisions of this article. After notice, each day's neglect to comply with the provisions of this article or any such regulation shall be deemed a separate offense and be subject to the same penalty in all respects as first offense and separate proceedings may be instituted and separate penalties imposed for each day's offense after their first conviction.

Article II  
**Waste Dumpsters**

**[Adopted 6-18-1996 by Ord. No. 3-1996; amended in its entirety 7-18-2006 by Ord.]**

**No. 7-2006 (Ch. 98, Art. II, of the 1987 Code)]**

**§ 430-7 Scope.**

- A. **Enactment.** Be it ordained by the Borough Council, and it is hereby ordained by authority of the same, that the following divisions, sections and subsections providing for the regulation of waste dumpsters located in public rights-of-way by the Code Enforcement Officer and Secretary of the Borough of Larksville, and providing for permits, fees and the licensing of waste dumpster hauling contractors and prescribing penalties for the violation of this article be and the same are hereby enacted.
- B. **Short title.** This article may be cited as the "Waste Dumpster Ordinance of the Borough of Larksville," hereinafter referred to as the "Dumpster Ordinance."
- C. **Effective date.** The provisions of this article and rules and regulations of the Office of the Code Enforcement Officer and of the Secretary of the Borough of Larksville interpreting such provisions shall become effective as provided in the ordinance adopting this article.
- D. **Intent.** This article is hereby declared to be remedial and shall be constructed to secure the beneficial interest and purposes thereof, which are public safety, health and welfare, by providing a system of specifications, regulations and licensing to ensure that the location of waste dumpsters within the public right-of-way does not impede or endanger the free flow of pedestrian or vehicular traffic within the Borough; it is the intent and purpose to further protect the health, safety and welfare of the general public of the Borough.
- E. **Severability.** If any section, subsection, sentence, clause or phrase of this article is for any reason declared to be invalid, such decision shall not affect the validity of the remaining portions herein. The Borough Council hereby declares that it would have passed the remaining parts of this article and the remaining sections, subsections, sentences, clauses or phrases irrespective of any one or more sections, subsections, sentences, clauses or phrases which have been declared invalid.
- F. **Interchangeability.** Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- G. **Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**§ 430-8 Definitions.**

As used in this article, the following terms shall have the meaning indicated:

**CARTWAY**

That portion of the right-of-way designated for vehicular use. This shall include both opened and unopened streets.

**CONSTRUCTION WASTE DUMPSTER**

A unit designed for the deposit of waste materials of building construction, repair or demolition sites, commonly located on a temporary basis on a public right-of-way abutting the site and transportable to and from the site for purposes of disposal of its contents by means of a carry vehicle.

**GARBAGE**

Putrefied animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**NONCONSTRUCTION WASTE DUMPSTER**

A unit designed for the deposit of all types of rubbish materials, excluding garbage, generated at sites other than building construction, repair or demolition.

**PERSONS**

Any individual, firm or partnership, association or corporation.

**PUBLIC RIGHT-OF-WAY**

The width of a strip of land between property lines set aside for public use or ownership as a street, alley, crosswalk, easement or other facility.

**RUBBISH**

Nonputrefied solid waste consisting of both combustible and noncombustible waste such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar items.

**SIDEWALK**

That portion of the sidewalk area which is paved for pedestrian use.

**SIDEWALK AREA**

That area extending from the curblineline to the property line which is designated by the Borough for pedestrian use.

**TREE LAWN**

That portion of the tree lawn area which is grass- and/or tree-lined.

**TREE LAWN AREA**

That area extending from the curblineline to the sidewalk area which is designated by the Borough for grass and/or trees.

**§ 430-9 Permit required.**

Regulations applicable to the permit requirements for the placement of construction or nonconstruction waste dumpsters upon a public right-of-way are as follows:

- A. It shall be unlawful for any person to place upon, cause to be placed upon or permit to remain upon a public right-of-way a construction or nonconstruction waste dumpster

without first filing with the Code Enforcement Officer and Secretary of the Borough of Larksville an application, in writing, and obtaining a formal permit. The duration of such permit shall be stated thereon, and a continued validity of such permit shall be contingent upon full compliance with the regulations set forth in this article.

- B. An application for a permit shall be filed with the Code Enforcement Officer and Secretary of the Borough of Larksville by the property owner or a licensed contractor employed in their respective field by the property owner in connection with the placement of a construction or nonconstruction waste dumpster. An application must be signed by the property owner and, in the case of a permit being issued to a licensed contractor employed by the property owner, an application permit must also be signed by the contractor.
- C. All permits issued shall cover only the work set forth in the permit application; however, in the event that it is necessary to replace a construction or nonconstruction waste dumpster upon a public right-of-way prior to the completion of said work, additional permits shall not be required.
- D. The placement of only one dumpster per job site upon a public right-of-way shall be permitted any and one time.
- E. No permit shall be issued by the Code Enforcement Officer in his opinion, the location and placement of this construction or nonconstruction waste dumpster will create a safety hazard to the use of the sidewalk area, tree lawn area or cartway by pedestrians or vehicles.
- F. Upon the issuance of a construction or nonconstruction dumpster permit by the Code Enforcement Officer, the permit must be displayed in a conspicuous place in front of the premises plainly visible to passersby and kept there for the duration of the permit. The applicant is responsible for the maintenance of this permit and, should it be destroyed or removed, must immediately obtain another copy.

**§ 430-10 Permit fee.**

The fee to be paid for each construction or nonconstruction waste dumpster permit issued by the Code Enforcement Officer shall be determined by resolution of Larksville Borough Council.

**§ 430-11 Time limitation for construction waste dumpsters.**

A construction waste dumpster shall be permitted to be placed upon a public right-of-way for the duration of a specific building construction, repair or demolition project for which a building permit was secured from the Code Enforcement Officer.

**§ 430-12 Time limitation for nonconstruction waste dumpsters.**

A nonconstruction waste dumpster shall be permitted to be placed upon a public right-of-way for a maximum of five consecutive days. The Code Enforcement Officer and Secretary of the Borough of Larksville shall have the discretion to approve a time extension for a nonconstruction waste dumpster; however, under no circumstances shall a nonconstruction waste dumpster be permitted to be placed upon a public right-of-way for a period exceeding 30 days.

**§ 430-13 Regulations.**

Regulations applicable to the placement of construction or non-construction waste dumpsters upon a public right-of-way are as follows:

- A. The placement of a construction or non-construction waste dumpster upon a public right-of-way must be temporary in nature, and the dumpster must be one that can be readily removed from the right-of-way.
- B. A construction or non-construction waste dumpster placed upon a public right-of-way shall not extend into a cartway nor impede or endanger the free flow of pedestrian or vehicular traffic.
- C. A construction or non-construction waste dumpster placed upon a public right-of-way shall not be placed within 20 feet of a crosswalk at an intersection.
- D. A construction or non-construction waste dumpster placed upon a public right-of-way shall not be placed within 15 feet of a fire hydrant.
- E. A construction or non-construction waste dumpster placed upon a public right-of-way shall bear the owner's name and telephone number displayed in a conspicuous place plainly visible to passersby and kept there for the duration of the permit.
- F. A construction or non-construction waste dumpster placed upon a public right-of-way shall bear reflective markings in sufficient positions and with a sufficient reflective capacity to provide reasonable warning to approaching nighttime traffic of its location, and a standard barricade light shall be in operation on the dumpster site nearest the travel lane of the public right-of-way from sunset to sunrise.
- G. No public right-of-way shall be closed for the purpose of location or utilization of a construction or nonconstruction waste dumpster.
- H. The location and utilization of a construction or non-construction waste dumpster upon a public right-of-way shall not be such as to constitute a safety hazard to persons or property.
- I. The placement of a construction or non-construction waste dumpster shall not extend into the sidewalk area any more than 1/3 of the width of the sidewalk area, but in no case more than three feet.
- J. The placement of a construction or non-construction waste dumpster shall not extend into the tree lawn area unless approved by the Code Enforcement Officer.
- K. The location and utilization of a construction or non-construction waste dumpster upon a public right-of-way shall be in compliance with all federal, state and local statutes, rules and regulations applicable thereto.

**§ 430-14 Prohibited uses for non-construction waste dumpsters.**

A non-construction waste dumpster shall not be permitted to be placed upon a public right-of-way for the disposal of garbage as defined in § 430-8 of this article.



§ 430-15 Licenses.

- A. Every person engaged in the business of construction and/or non-construction waste dumpsters shall, before engaging in such occupation, obtain a license therefore from the Code Enforcement Officer and Secretary of the Borough of Larksville after the submission of the following documents:
- (1) A certificate of insurance, naming the Borough of Larksville as certificate holder, establishing that said hauling contractor is currently covered by a reputable insurance company acceptable to the Code Enforcement Officer and the Borough of Larksville covering said hauling contractor in the amount of not less than \$300,000, being single limit or split limit for bodily injury and property damage. Said certificate shall be for continuous coverage. In the event that the insurance is cancelled, the Building Inspector shall be notified in writing within 30 working days by said insurance company.
  - (2) A certificate of worker's compensation insurance, naming the Borough of Larksville as certificate holder. In the event that a hauling contractor is not obligated to maintain worker's compensation insurance because he does not employ any individuals, he shall be required to file a contractor affidavit form with the Code Enforcement Officer and Secretary of the Borough of Larksville, affirming that he is not obligated to maintain worker's compensation insurance.
  - (3) Their federal or state Employer Identification Number.
  - (4) An indemnity agreement, in a form acceptable to the Borough Solicitor, promising to indemnify, save harmless and defend the Borough of Larksville, its officials, agents, servants and employees and each of them against, and hold it and them harmless from, any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorneys' fees, for or on account of any injury to any person, or death at any time resulting from such injury, or to any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of the waste dumpster in the public right-of-way.
- B. A license shall not be transferable or assignable.
- C. Every person licensed under this article shall give immediate notice of any change in his home or business address.
- D. Every person engaged in the business of construction and/or non-construction waste dumpsters shall, before engaging in such occupation, pay an annual license fee of \$100.
- E. All construction or non-construction waste dumpster hauling contractor licenses shall be issued solely by the Code Enforcement Officer and shall be valid for one licensing year and renewed annually.
- (1) Prior to renewing a license, a hauling contractor must submit the following documents to the Code Enforcement Officer:



- (a) A certificate of insurance, naming the Borough of Larksville as certificate holder, establishing that said hauling contractor is currently covered by a reputable insurance company acceptable to the Office of the Code Enforcement Officer and the Borough of Larksville covering said hauling contractor in the amount of not less than \$300,000, being single limit or split limit for bodily injury and property damage. Said certificate shall be for continuous coverage. In the event that the insurance is cancelled, the Building Inspector shall be notified in writing within 30 working days by said insurance company.
- (b) A certificate of worker's compensation insurance naming the Borough of Larksville as certificate holder. In the event that a hauling contractor is not obligated to maintain worker's compensation insurance because he does not employ any individuals, he shall be required to file a contractor affidavit form with the Code Enforcement Officer and Secretary of the Borough of Larksville, affirming that he is not obligated to maintain worker's compensation insurance.
- (c) Their federal or state Employer Identification Number.
- (2) In the event that the licensed construction and/or non-construction waste dumpster hauling contractor fails to renew his license at the specified time established by the Borough, the Borough will provide written notification within seven working days after the date the license has expired, giving the hauler 45 days to renew said license. The hauling contractor will be required to pay, in addition to the normal license fee, a late charge of \$25, made payable to the Borough of Larksville.
- F. Any construction and/or non-construction waste dumpster hauling contractor's license issued to any person may be suspended by the Code Enforcement Officer if, after a thorough and proper investigation, it is determined that:
  - (1) Said license was partially or wholly procured by or through nondisclosure, misstatement or misrepresentation; or
  - (2) A previously imposed penalty has not met with full compliance; or
  - (3) The holder of said license has repeatedly and/or willfully violated any of the provisions of this article. "Repeated violations" is hereby defined as a minimum of three separate offenses within a period of five years under this article for which the licensee or offender has either pleaded guilty or has been found guilty by a Magisterial District Judge or other court of competent jurisdiction.
- G. The Code Enforcement Officer, prior to invoking a suspension of a license, shall first cause to be served upon said licensee, by certified or registered mail, a written notice of suspension or revocation of license, as the case may be, setting forth in specific terms and language, the nature of the repeated violations, the times thereof and places of occurrence.
- H. On a first offense, a hauling contractor's license shall be suspended for a period of one to three months. On a second offense, a hauling contractor's license shall be suspended for a mandatory six months. A third offense shall constitute an immediate revocation

of a hauling contractor's license.

- I. Any person aggrieved by the suspension of such license may take an appeal to the Borough Council within 10 working days from the notice of license suspension.
- J. If, during the time of suspension, a hauling contractor's license is eligible for renewal, said contractor will be exempt from meeting the license renewal provisions as defined in Subsection **E** above for the entire time period said license is suspended. Within 30 working days from the date the suspension is removed by the Code Enforcement Officer, the license renewal provisions as defined in Subsection **E(2)** above shall apply. In the event that the hauling contractor fails to renew his license within 30 working days from the date the suspension was removed, the provisions outlined in Subsection **E** shall apply.
- K. Revocation of license.
  - (1) Any construction and/or non-construction waste dumpster hauling contractor's license issued to any person may be immediately revoked by the Code Enforcement Officer if, after a thorough and proper investigation, it is determined that:
    - (a) The holder of said license has willfully or negligently damaged or caused to be damaged the Borough's public right-of-way.
    - (b) The holder of said license has willfully or negligently placed a construction waste dumpster in a public right-of-way which has created a dangerous or unsafe condition which poses a threat to the safety and welfare of pedestrian and/or vehicular traffic.
    - (c) The holder of said license has repeatedly and/or willfully ignored stop-work orders issued by the Code Enforcement Officer.
  - (2) Any hauling contractor's license which has been revoked by the Code Enforcement Officer shall not be reactivated.
  - (3) Any person aggrieved by the revocation of such a license may take an appeal to the Borough Council within 10 working days from the notice of license suspension or revocation.
- L. Use of license by another prohibited. No person licensed under these provisions shall allow a permit to be issued in his or its own name for use by a person not licensed as required herein to place construction or non-construction waste dumpsters within the Borough's public right-of-way under penalty of forfeiture of his or its license.

**§ 430-16 Safety hazards; notice; cost of removal.**

- A. Whenever the placement of a construction or non-construction waste dumpster shall have been declared a safety hazard to the use of the sidewalk area, tree lawn area or cartway by pedestrians or vehicles by the Code Enforcement Officer or his designee, the Code Enforcement Officer or his designee shall serve or cause to be served upon the owner or other person who may have a vested or contingent interest in said waste dumpster, a written notice describing the unsafe or hazardous condition and in ordering that the same be made safe and secure or removed within 48 hours after

notice has been issued relative to the unsafe or hazardous condition.

- B. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the construction or non-construction waste dumpster to which it relates. Such mailing and posting shall be deemed adequate service.
- C. If the person served with a notice to make safe and secure or remove the construction or nonconstruction waste dumpster should fail, within the time frame specified by the Code Enforcement Officer or his designee, to comply with the requirements thereof, the Code Enforcement Officer or his designee, when authorized by the Mayor, the Mayor's designee or Larksville Borough Council, whichever is deemed appropriate, may have said waste dumpster removed from the public right-of-way. Any cost incurred shall be paid out of the Borough Treasury on certification by the Code Enforcement Officer or his designee.
- D. The Borough Solicitor or other prosecuting authority shall institute proper actions against the owner of the construction or non-construction waste dumpster for the recovery of costs incurred by the Code Enforcement Officer or his designee in the performance of having said waste dumpster removed from the public right-of-way.
- E. Any person aggrieved by the actions of the Code Enforcement Officer may take an appeal to the Borough Council within 10 working days from the notice to make safe and secure or remove the waste dumpster.

**§ 430-17 Violations and penalties.**

- A. Any person who shall violate any of the provisions of this article shall, after having been served with written notice, be liable to a fine of not more than \$1,000 for each offense. Each day that said violation or unsafe condition shall continue shall constitute a separate offense and shall be liable to a fine of not more than \$1,000.
- B. The owner of a building, structure or premises where the violation of this article shall be placed or exist, and the contractor employed therewith and who may have assisted in the commission of such violation, and the owner of the waste dumpster who may have assisted in the commission of such violation, shall each be guilty of a separate offense and upon conviction thereof shall be liable to a fine of not more than \$1,000 for each offense. Each day that said violation or unsafe condition shall continue shall constitute a separate offense and shall be liable to a fine of not more than \$1,000.

Article III  
**Disposal of Coal Ash**

**[Adopted 9-17-1996 by Ord. No. 11-1996 (Ch. 98, Art. III, of the 1987 Code)]**

**§ 430-18 Title.**

This article may be cited as the "Coal Ash Disposal Ordinance for the Borough of Larksville," hereinafter referred to as the "Coal Ash Ordinance."

**§ 430-19 Purpose; findings.**

- A. The purpose of this article is to regulate the disposal and/or dumping of coal ash anywhere within the Borough of Larksville.
- B. It has been determined and accepted by the Borough of Larksville that long-term exposure to large quantities of coal ash is harmful to the health, safety and general welfare of the citizens of the Borough of Larksville.

**§ 430-20 Definitions; word usage.**

- A. The term "fly ash" will be accepted to mean the same as coal ash.
- B. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

**§ 430-21 Dumping and/or disposal of coal ash within Borough limits by nonresidents prohibited; request for authorization.**

- A. It shall be unlawful for any nonresident of Larksville Borough to dump or dispose of any quantity of coal ash within the Borough of Larksville for any period of time under any circumstances without prior authorization from the Borough Council.
- B. Authorization for a nonresident to dump and/or dispose of any quantity of coal ash within the Borough of Larksville may be requested in writing to the Borough Council. Each request will be put on the agenda at the next scheduled monthly meeting of the Borough Council. The request for authorization will then be addressed by the Borough Council.

**§ 430-22 Dumping and/or disposal of coal ash within Borough limits permitted.**

Any resident of Larksville or owner of real property in the Borough of Larksville may dispose of coal ash generated within their own residence or property in the following manner:

- A. For use as anti-skid materials on walkways and/or sidewalks on property for which they are responsible for maintenance thereof when such condition should arise.
- B. By depositing ash in containers that are accepted and approved by the Borough. This ash will then be collected by the Borough according to the regular schedule for uses that the Borough deems appropriate.

**§ 430-23 Permitted uses of coal ash by Borough.**

The Borough of Larksville may dispose of and/or use coal ash in any manner that is beneficial to the Borough, provided that such use follows any and all regulations set forth by the Department of Environmental Protection and any other regulations set forth by the Commonwealth of Pennsylvania.

**§ 430-24 Violations and penalties.**

- A. Anyone in violation of this article or who willfully or negligently fails to comply with any provision of this article shall be fined not more than \$1,000 for each offense. Each day that said violation shall continue shall constitute a separate offense and be liable to a fine of not more than \$1,000.

- B. Any person found to be an accomplice in violating this article shall also be held liable to a fine of not more than \$1,000. Each day that said violation shall continue shall constitute a separate offense and be liable to a fine of not more than \$1,000.

Article IV  
**Garbage/Recycling Program**

**[Adopted 4-21-1998 by Ord. No. 3-1998 (Ch. 98, Art. IV, of the 1987 Code)]**

**§ 430-25 Title.**

This article shall be known and may be cited as the "Mandatory Recycling Law of the Borough of Larksville."

**§ 430-26 Purpose.**

It is the goal and purpose of this article to effectuate the Borough's compliance with Act 101 by facilitating efficient disposal of solid waste generated within the Borough in the most economical, environmentally acceptable manner and also to reduce the total volume of solid waste disposal by the Borough. This article is also designed, in accordance with the Borough's police powers, to protect the health, welfare and safety of the residents of this Borough.

**§ 430-27 Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**COMMERCIAL ESTABLISHMENT**

Any entity in business for profit and which has not previously been afforded municipal waste collection.

**CORRUGATED PAPER**

Paper which has been shaped or wrinkled into parallel grooves and ridges, including cardboard, wrapping and packaging paper.

**INDEPENDENT CONTRACTOR**

A private garbage hauler engaged by a commercial establishment.

**NEWSPRINT**

A cheap, low-grade paper made mainly from wood pulp and used chiefly for newspapers.

**PERSON**

Any individual, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this article 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 which are separated from the remainder of municipal waste in compliance with Section 1501 of Act 101.

## **RESIDENT**

A person who lives in a residential structure.

## **RESIDENTIAL**

Any noncommercial building used for family dwelling and which contains no more than four dwelling units.

## **SOLID WASTE**

Materials or substances discharged or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances, and those in gaseous form. Such waste is more commonly defined as "municipal waste" under rules and regulations promulgated by the Pennsylvania Department of Environmental Resources. The waste shall include, but is not limited to, garbage, sludge, rubbish, ashes, street cleaning, dead animals, offal, abandoned vehicles and agricultural waste.

### **§ 430-28 Residential recycling requirements.**

- A. In accordance with Section 1501 of Act 101, 53 P.S. § 4000.1501, the following items are hereby declared as the designated residential recyclable materials:
- (1) Newsprint, which, until such time as may be prohibited by the recycling facility, may also include glossy advertising inserts.
  - (2) Aluminum cans.
  - (3) Clear glass.
  - (4) Colored glass.
  - (5) Certain types of plastics.
- B. Each resident must establish within the household a program for effective source separation of the aforementioned recyclable materials. Said recyclable materials must be kept separate from other solid waste and shall be disposed of as hereinafter set forth. Further, all of the designated recyclable materials must be stored in an area free from exposure to the elements and shall be properly secured so as to be safe from vermin.
- C. The Borough shall provide each residential dwelling one recyclable materials container, which container must be utilized by the resident when placing the aforementioned recyclables at curbside for collection. The container shall remain the property of the Borough, and the recyclables shall become the property of the Borough when placed at curbside for collection.



D. The Department of Public Works of the Borough shall establish a schedule for collection of the recyclable materials which conforms to the requirements of Section 1501(d) of Act 101. Suitable public notice of said schedule of collection shall be made via newspaper advertisement.

**§ 430-29 Commercial recycling requirements.**

A. In accordance with Section 1501 of Act 101, the following are designated as the designated commercial recycling materials:

(1) High-grade office paper.

(2) Aluminum.

(3) Corrugated paper.

(4) Leaf waste.

B. Each commercial establishment shall develop an effective program for the source separation of the aforementioned recyclables. These materials must be kept separate from other solid waste. Further, the recyclable materials must be stored in an area free from exposure to the elements and properly secured so as to be safe from vermin.

C. Each commercial establishment shall arrange with an independent contractor for private collection of the aforementioned recyclables, as well as for collection of remaining solid waste, which independent contractor shall comply with all governing statutes for proper disposal of same.

D. Any commercial establishment which seeks exemption from the requirements of this article on the basis that it has otherwise provided for the recycling of the designated recyclable materials shall report no later than January 15 of each year to the Borough the total number of tons recycled, in compliance with Section 1501(c)(1)(iii) of Act 101.

**§ 430-30 Disposal of lead batteries.**

Any resident wishing to dispose of a lead acid battery shall deliver same to an automotive battery retailer or wholesaler, or to a secondary lead smelter permitted by the United States Environmental Protection Agency, or to an authorized recycler, as required by Section 1510 of Act 101. No other form of disposal shall be lawful.

**§ 430-31 Disposal of leaf waste and similar material.**

Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings, shall be separated from other municipal waste generated by residents and shall be placed at curbside in accordance with the collection scheduled adopted by the Borough. Said waste shall be placed at curbside separately in a polyethylene trash bag of 30 gallons' capacity or in a disposable corrugated container.

**§ 430-32 Borough ownership of recyclables.**

Upon placement at curbside of the container supplied by the Borough, as hereinbefore mentioned, all recyclables shall become the property of the Borough, whose responsibility it shall be to dispose of the recyclables in conformity with Act 101. No person or persons

other than the Department of Public Works or its duly authorized agents may collect and dispose of recyclables placed at curbside. Violation of this section shall be considered as criminal theft or scattering rubbish under the Pennsylvania Crimes Code, depending upon the severity of the violation, and may be prosecuted in accordance with existing law.

**§ 430-33 Recycling of materials.**

- A. It shall be unlawful for any person to dispose of the materials designated herein as recyclables with regular municipal waste. The Department of Public Works and its designated agents are hereby authorized to regularly inspect all municipal waste collected for violations of this article.
- B. The Borough reserves the right to refuse to collect municipal waste which contains unseparated recyclable materials in violation of § 430-28 of this article.

**§ 430-34 Delegation of duties.**

The Borough, if it deems it appropriate, may enter into an agreement with any private firm for the collection of recyclables, pursuant to Section 1501(e)(1)(ii) of Act 101.

**§ 430-35 Violations and penalties.**

Any person who violates any provision of this article, except as hereinbefore stated in § 430-33, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for a period of not more than 30 days. Further, each day for which a violation occurs and each violation of any provision of this article shall constitute a separate offense.

Article V

**Garbage/Recycling Collection Stickers**

**[Adopted 12-15-1998 by Ord. No. 4-1998 (Ch. 98, Art. V, of the 1987 Code)]**

**§ 430-36 Stickers required for residential property.**

- A. All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Larksville, including any apartment, mobile home or trailer, which is used in whole or in part for residential purposes, must purchase a recycling sticker from the Borough of Larksville.
- B. It shall be the obligation of the owner of any such residential structure to purchase a recycling/garbage sticker.
- C. Each owner of a trailer park or multifamily dwelling shall be responsible for purchasing a recycling/garbage sticker for each unit or trailer in the multifamily dwelling or trailer park. It shall be the obligation of the owner of any multifamily dwelling or trailer park to pay to the Borough of Larksville the garbage/recycling sticker fee for each dwelling unit or trailer.
- D. Owners of rental housing properties of four units or more and the property managers of condominiums in which each living unit is individually owned must provide for

recycling/garbage in their facility and include the following:<sup>1</sup>

- (1) Collection receptacles must be provided that are big enough to hold the recyclables/garbage generated in the building, and the receptacles must be placed at easily accessible locations.
- (2) Employees and residents of the facility must be informed of the recycling/garbage program, and written instructions must be provided to residents on what materials are to be recycled and how they are to be prepared.
- (3) Recyclable materials must be collected at least once a month.
- (4) The recycling/garbage program at any such facility must conform with the recycling/garbage program in effect in the Borough of Larksville.
- (5) The collection, transportation, processing and marketing of the garbage/recyclable materials are the obligation of the owner of the facility or the property manager in the case of condominiums.
- (6) The owner of any such facility shall provide an annual report to the Larksville Borough Council on or before January 15 of each year, detailing the garbage/recycling program at the facility for the preceding year. That report shall include the type and weight of the material that was recycled during the year.

**§ 430-37 Stickers for commercial property.**

All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Larksville which is used for commercial purposes may, with the consent of Larksville Borough Council, purchase a garbage/recycling sticker from the Borough of Larksville.

**§ 430-38 Purchase of stickers.**

Recycling stickers can be purchased from the Office of Code Enforcement of the Borough of Larksville or from any other individual or office authorized by Borough Council to sell garbage/recycling stickers and to collect recycling fees.

**§ 430-39 Issuance; display.**

Upon payment of the garbage/recycling fee and charges as hereinafter set forth, a garbage/recycling sticker will be issued. The sticker will note the year and expiration date as well as other relevant wording. The sticker must be prominently displayed on the building from which recycling/garbage is to be removed.

**§ 430-40 Sticker fees.**

The annual fee for a garbage/recycling sticker in the Borough of Larksville shall be established each year by resolution of the Larksville Borough Council.

**§ 430-41 Collection of fees.**

- A. It is the responsibility of any person required by this article to purchase a garbage/recycling sticker to pay the annual garbage/recycling fee for each such

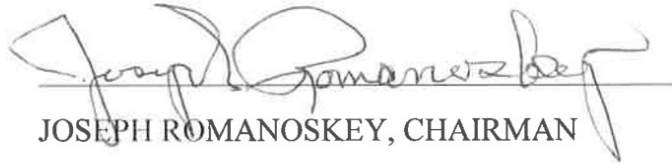
sticker.

- B. If the garbage/recycling fee is not paid within 30 days from January 1, a penalty of twenty-five (\$25) dollars shall be added thereto; if said fee plus penalty is not paid within 60 days from January 1, the aggregate amount of the fee plus penalty shall increase twenty-five (\$25) dollars a month thereafter until paid in full.
- C. The annual garbage/recycling sticker fee shall be paid as set forth in § 430-40 above; except, however, if a structure is first used for residential purposes on or after January 1 of any calendar year, then said fee shall be due and payable within 30 days of the date that residential use is first established. If residential use is first established on or after June 1 of any calendar year, then only a pro-rated fee shall be required for that calendar year and shall be due and payable within 30 days of the date that residential use is first established. If the fee due under this subsection is not paid within 30 days of the date due, then a penalty of twenty-five (\$25) dollars shall be added thereto; if said fee plus penalty is not paid within 60 days of the date due, the aggregate amount of the fee plus penalties shall increase twenty-five (\$25) dollars a month thereafter, until paid in full.
- D. Any person, resident, corporation, business, association, etc., not paying its garbage/recycling fee as well as any penalty due as required by this article shall be in violation of this article, and each day that the fee remains unpaid shall constitute a separate violation of this article.

**§ 430-42 Violation and penalties.**

- A. Any person who shall violate any provision of this article shall, upon conviction thereof for each violation, be subject to a fine of not less than \$50 nor more than \$300 in the discretion of the Court, plus costs of prosecution. In default of the payment of such fines and costs, such person shall be imprisoned in the county jail for a period of not more than 10 days.
- B. Each day that any violation of this article exists shall be considered a separate and distinct violation.

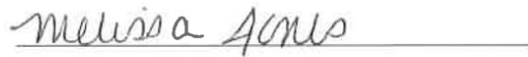
**ORDAINED and ENACTED** at a regular meeting of Larksville Borough Council, this 20 day  
of October, 2020.




JOSEPH ROMANOSKEY, CHAIRMAN

LARKSVILLE BOROUGH COUNCIL

ATTEST:



BOROUGH SECRETARY



JOSEPH ZAWADSKI, MAYOR

LARKSVILLE BOROUGH