

**BOROUGH OF WYOMING
LUZERNE COUNTY, PENNSYLVANIA
ORDINANCE NO. 3 OF 2023**

**AN ORDINANCE ESTABLISHING REGULATIONS
CONCERNING THE REGULATIONS FOR THE REMOVAL OF GARBAGE WITHIN
THE BOROUGH OF WYOMING; EXCEPTIONS TO THE REGULATIONS; THE REQUIREMENT OF A TRASH
REMOVAL PERMIT; AND PENALTIES FOR VIOLATION OF THE ORDINANCE.**

**ALL PRIOR ORDINANCES PERTAINING TO TRASH REMOVAL, SPECIFICALLY A PRIOR ORDINANCE
KNOWN AS THE ORDINANCE OF THE BOROUGH OF WYOMING REGULATING GARBAGE AND TRASH
REMOVAL, RECYCLING AND FEES DATED NOVEMBER 13, 2000 ARE HEREBY REPEALED.**

WHEREAS, The Council of the Borough of Wyoming has determined that the process of obtaining a permit for the removal of garbage and trash within the Borough limits shall be forth, along with requirements for obtaining said permits and the penalties for violations for failure to comply with this Ordinance.

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Wyoming, Luzerne County, Pennsylvania, it is hereby enacted and ordained by Authority of the same, as follows:

This Article may be cited as "Wyoming Borough's Garbage and Trash Removal, and Fees Ordinance"

**AMENDED ORDINANCE OF THE BOROUGH OF WYOMING
REGULATING GARBAGE AND TRASH REMOVAL, AND FEES**

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ARTICLE I

TITLE

This Ordinance shall be cited and known as Wyoming Borough's Garbage and Trash Removal, and Fees Ordinance.

ARTICLE II
PURPOSE

In enacting this Ordinance, it is the desire of the Borough of Wyoming to get forth a program of garbage and trash removal and to set forth an appropriate fee schedule for the same. It is the intention of the Borough to establish this program so as to improve the health, safety, and welfare of the community.

ARTICLE III
DEFINITIONS AND LIMITATIONS

1. Definitions

- A. The term "garbage" as herein used shall mean every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use cooking, dealing in, or storing of meat, fish, fruit or vegetables.
- B. The term "rubbish" as herein used shall mean waste material and refuse of every character collected or accumulated within the Borough, except garbage, and shall include by way of enumeration but not by way of limitation grass, leaves, sticks, tree branches, stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans, newspapers.
- C. Litter- is any waste material, including, but not limited to, "garbage", "refuse", and "rubbish", which, if thrown or deposited as herein prohibited, would tend to create a danger to the public health, safety or welfare.
- D. Persons – shall be any natural person, corporation, association of individuals, whether or not incorporated, and whether or not organized for endeavors of profit, charity, educational or civic purposes or any other purpose whatsoever.
- E. Private Premises- is any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purpose, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- F. Public Place – is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- G. Recyclables – material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, computer print-out

paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated.

H. Vehicle – is every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

2. Disposal.

It shall be unlawful for any person, firm or corporation to dispose of or dump garbage or rubbish upon the streets of the Borough or upon any public or private premises other than those duly designated for such purposes by Borough Council.

3. Containers.

All garbage and rubbish shall be placed in containers of the type and size hereinafter prescribed and said containers shall be placed at convenient outdoor pickup locations on the terrace next to the street in residential areas or in the alley or rear of commercial areas.

4. Limitations

A. Borough employees and/or contractors will not go upon private property to collect rubbish or garbage except areas that are open to the public and accessible to the garbage packer.

B. The following items will not be collected by Borough employees and/or contractors and must be disposed of by the owner thereof:

1. Motor vehicles.
2. Waste from the demolition, destruction, burning or disposal of buildings.
3. Large household appliances, e.g., stoves, refrigerators, washing machines, dryers, freezers.
4. Concrete.
5. Large limbs, tree trunks, tree roots.
6. Items weighing more than forty (40) pounds.
7. Tires.
8. Poisons.
9. Explosives.
10. Dangerous or corrosive chemicals.
11. Clothing taken from persons with infectious diseases.
12. Heavy metals or metal parts.
13. Rocks, bricks, concrete blocks.
14. Refuse from construction or remodeling.

ARTICLE IV
RECEPTACLES

5. Requirements

Any person using or occupying any building, house or structure within the Borough shall provide and maintain in good order and repair garbage or trash receptacles of sufficient number to contain the garbage or trash that will accumulate on the premises.

6. Specifications

Receptacles used for storage for garbage and rubbish shall be watertight and meet the following specifications:

- A. Garbage containers shall not exceed forty (40) pounds in weight.
 - B. All garbage shall be placed for collection in standard size (not to exceed thirty (30) gallons metal or plastic garbage cans with covers and handles, or in plastic or waterproof paper trash bags. The trash bags must be tied and sturdy enough so that they can be handled without breakage and tearing.
 - C. Trash cans shall be of a durable grade if galvanized metal or other suitable material approved by the Borough, from twenty (20) to thirty (30) gallons in capacity and weighing not more than twenty-five pounds (25) empty or forty (40) pounds fully loaded with normal refuse. Trash cans shall have two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The cans shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.
 - D. Refuse bags made of heavy multiple-ply paper or polyethylene or ethylene, copolymer resin and designed for outdoor storage or refuse are required. Bags must be securely tied or sealed to prevent emission of odor and shall be of a material so that liquids and greases will not be able to penetrate through the material and shall be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling.
7. Damage or deteriorated receptacles.
- Receptacles which have deteriorated or have been damaged to the extent that the covers will not fit securely or those having jagged or sharp edges capable of causing injury to refuse collectors or other person whose duty is to handle containers, are declared a nuisance and shall be condemned by the Borough of Wyoming or its authorized representatives. If such receptacles are not removed

within five (5) days after notice of such defective conditions to the owner or user, then such receptacles shall be confiscated.

8. Placing garbage in receptacles.

Garbage or trash that is mixed with water or other liquids shall be drained before being placed in a garbage or trash receptacle. Animal matter that is subject to decomposition shall be wrapped in paper or other combustible material before being placed in a garbage receptacle. Grease in a free-flowing state shall be reduced to a solid.

9. Unauthorized use of receptacles.

It shall be unlawful for any person to place or permit another to place any garbage or trash in any receptacle at any refuse collection point unless the refuse is from the premises served by the container.

The owner or occupant of any building, house, structure or land shall cause to be removed all refuse items which will not be collected by the regular Borough collection service and which are located, owned or deposited on the property. Removal, at the owners' expense, within three (3) days of notice by the Borough is required. It shall be unlawful to deposit any such prohibited refuse at the Wyoming Borough landfill. Such refuse shall be deposited at an approved disposal area outside of the Borough of Wyoming.

ARTICLE V
COLLECTION

10. Frequency of regular collection service.

The Wyoming Borough Council is hereby empowered to establish a schedule for regular collection service. Public notice of said schedule of collection shall be made via posting to the website for Wyoming Borough, and any and all online posting available to Wyoming Borough for communication with the public. Property owners may also phone the Borough offices for schedules.

11. Maximum number of containers collected.

During each regular collection, the maximum number of containers collected will be set forth in a yearly resolution passed by Council to reflect the current contract between the Borough and the private trash hauler.

ARTICLE VI
GARBAGE COLLECTION PERMIT

12. Garbage collection permit.

A. Residential

- (1) All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Wyoming, including any apartment, mobile home or trailer, which is used in whole or in part for residential purposes must purchase a garbage collection permit from the Borough of Wyoming.
- (2) It shall be the responsibility of the owner of such residential structure to make the yearly payment to the Borough of Wyoming for the garbage permit.
- (3) Each owner of a trailer park or a multi-family dwelling shall be responsible for purchasing a garbage collection permit for each unit or trailer in the multi-family dwelling or trailer park. It shall be the obligation of the owner of any multi-family dwelling or trailer park to pay to the Borough the garbage collection fee for each dwelling unit or trailer.
- (4) This Ordinance shall apply to vacant property, no matter the reason the property is vacant.

B. Commercial. All persons, residents, corporations, businesses, associations, etc. who own any structures in the Borough of Wyoming which is used for commercial purposes may, at their option, purchase a garbage collection permit from the Borough of Wyoming. If a permit is not purchased through the Borough of Wyoming, commercial properties shall be responsible for securing their own garbage removal services. Any commercial property that does not have garbage removal services shall be subject to the same violations and penalties at set forth herein for a residential property owner who has failed to secure permit in accordance with this Ordinance.

C. Purchase of Permits. Garbage collection permits will be mailed to the residents for payment each December. Said payments may be made by mail, in person during normal business hours or online.

13. Receipts.

All applicants upon payment of the fee and charges as hereinafter set forth will receive a receipt. The receipt will note the year and expiration date and other relevant wording particular to the

collection service. The receipt will serve as the permit. No physical permit will be issued. Nothing will be required to be posted on the property.

ARTICLE VII

SERVICE FEES

14. Fees.

The annual fees for the regular collection of garbage shall be set by Borough Council by resolution.

15. Rules and Regulations.

- A. The number of bags and/or containers shall be set forth by resolution of Borough Council at the time that annual fees are set.
- B. All containers will be made from a place easily accessible to the garbage packers from the street from which collections are made. Collections will not be made from inside structures or enclosures.
- C. The Borough Council or its designated representatives shall have the authority to make such additional rules and regulations concerning the manner and method of Borough refuse collection as Borough Council deems necessary.

16. Collection of fees.

- A. It is the responsibility of anyone required by this ordinance to purchase garbage collection permit to make payment annually for said permit.
- B. The annual garbage collection permit dates shall be set forth annually by Borough Council by resolution to coincide with the garbage removal contracts entered into by Borough Council with the garbage hauling entity that is awarded the contract for yearly garbage removal.

ARTICLE VIII

VIOLATION AND PENALTIES

17. Violations and Penalties.

- A. If the fee for a garbage collection permit is not paid within 30 days of the date it is due, a \$75.00 late fee shall be assessed. If the permit and late fee are not paid within 60 days, shall bear the cost of the Borough of collecting said fee, a penalty of \$75.00, and interest at a rate of 1 percent per month or fraction thereof.

- B. Any individual or enterprise not paying its garbage collection fee within the time required by this Section shall be in violation of this Chapter and each day that the garbage collection fee remains unpaid shall constitute a separate violation of this Chapter.
- C. If there are any properties that have more than one residential unit and they are aggregating their garbage in order to have collection under one fee, all parties shall be considered in violation of this Chapter.

ARTICLE IX

RECYCLING AND YARD WASTE

18. Purpose. The Borough Council shall determine whether the Borough will participate in recycling programs. Participation will be outlined in a resolution based on the current trash collection contract, so long as recycling is included in the contract.

19. 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.

20. 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 schedule adopted by the Borough. Said waste shall be placed at curbside separately in a polyethylene trash bag of thirty (30) gallon capacity or in a disposable corrugated container.

ENACTED and ORDAINED at a meeting of the Council of the Borough of Wyoming held this

11th day of DECEMBER, 2023.

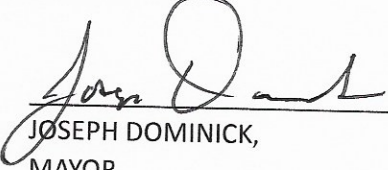
ATTESTED:

Roseanne Colanusso
BOROUGH SECRETARY

SIGNED:

Michael Baloga
MICHAEL BALOGA,
COUNCIL CHAIRMAN

Approved this 11th day of DECEMBER, 2023



JOSEPH DOMINICK,
MAYOR

