

**Borough of Montrose
Susquehanna County, Pennsylvania**

Ordinance Number: 2023-03

**AN ORDINANCE OF THE BOROUGH OF
MONTROSE, COUNTY OF SUSQUEHANNA,
COMMONWEALTH OF PENNSYLVANIA,
AMENDING CHAPTER 64 OF THE CODE
OF THE BOROUGH OF MONTROSE,
ENTITLED "GARBAGE, RUBBISH AND REFUSE".**

BE IT ORDERED AND ENACTED by the Council of the Borough of Montrose, County of Susquehanna, Commonwealth of Pennsylvania, in regular meeting assembled.

THE COUNCIL OF THE BOROUGH OF MONTROSE HEREBY ORDAINS AS FOLLOWS:

SECTION I:

The provisions of Chapter 64 of the Code of the Borough of Montrose, entitled "Garbage, Rubbish and Refuse" are hereby deleted and replaced with the following:

§ 64-1. Definitions and word usage

- A. Terms defined. The following words and terms, as used in this chapter, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning:

BULKY REFUSE – Large items of refuse, including but not limited to large appliances, furniture, automobiles, large automotive parts, trees, branches and stumps.

BUNDLE – A totally disposable package containing refuse only, not exceeding five (5) feet in its longest dimension, securely tied to permit lifting and carrying of the full weight by one (1) man without spillage, leakage or breakage. No bundle shall exceed sixty (60) pounds in weight. Refuse in a durable, sealed plastic bag shall be classified as a "bundle," provided that it conforms to the above requirements.

CAN – A plastic or galvanized metal pail, watertight, with tightly fitting cover, with a maximum capacity of thirty-two (32) gallons and with a cover handle and side handles or bail.

COLLECTION – The gathering of refuse into a motor vehicle and the subsequent disposal of such refuse in a legally approved manner.

CONTAINER – A specially designed and constructed unit for the storage of refuse between collections. Containers shall be watertight, rodent-proof, and designed to be mechanically emptied into a collecting motor vehicle without spillage or leakage.

GARBAGE – All table refuse; animal and vegetable matter; offal from meat, fish and fowls; vegetables and fruits and parts thereof; and other articles and materials ordinarily used for food and which have become unfit for such use or which are for any reason discarded.

PERSON – Any individual, business proprietorship, partnership, corporation, organization, governmental unit, institution, authority, landowner, occupant or legal entity located within the Borough of Montrose.

REFUSE – Solid waste materials and garbage which are discarded as useless except rubble.

RESIDENCE – The dwelling place of one (1) family unit.

SOLID WASTE – Material which lacks sufficient liquid content to become free-flowing.

STANDARD RESIDENTIAL SERVICE – Weekly collection of refuse from a residence, maximum four (4) cans of refuse or equivalent to the same weight each week, refuse being placed as herein specified.

- B. Word usage. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 64-2. Exercise of statutory powers; statement of intent

The Borough of Montrose hereby exercises its powers, as defined within the Borough Code of the Commonwealth of Pennsylvania, to make regulations for the care and removal of garbage and other refuse material, including the imposition and collection of reasonable fees and charges therefor.

§ 64-3. Residential and commercial service collection procedures; preparation of refuse.

Any person subscribing to standard residential service shall prepare all refuse in the following manner and shall use the following procedures:

- A. In all zoning districts classified as R-1 Residential pursuant to the Montrose Borough Zoning Ordinance, as amended, excluding those R-1 Residential properties upon which business or commercial activities are conducted, all refuse to be placed for collection shall be drained of liquids insofar as practicable and be

placed in cans, containers or bundles as herein defined. The maximum gross weight of any can or bundle shall not exceed sixty (60) pounds.

- B. In all zoning districts classified as C-1 Commercial, X-1 Office and I-1 Industrial pursuant to the Montrose Borough Zoning Ordinance, as amended, and all properties within an R-1 Residential zoning district upon which business or commercial activities are conducted, all refuse to be placed for collection shall be drained of liquids insofar as practicable and be placed in cans, as herein defined. The maximum gross weight of any can shall not exceed sixty (60) pounds.
- C. Cans, containers or bundles shall not be filled beyond capacity and lids or covers must be tightly closed and bundles and bags securely tied.
- D. Cans shall be kept in a sanitary condition by the person using same.
- E. All refuse shall be placed for collection within six (6) feet of the edge of the public roadway bordering the property of the person by 6:00 a.m. of the day of collection.
- F. No refuse can, container or bundle shall be placed in or upon any public street, alley, sidewalk, footpath or thoroughfare whatsoever unless the physical constitution of the area will not permit otherwise. In such case, all cans, containers or bundles shall be placed and arranged for collection in such a manner so as to cause minimal interference with usage of such thoroughfares.
- G. All cans shall be removed from the collection area by the person placing refuse for collection by 9:00 p.m. of the day service has been provided.

§ 64-4. Unlawful acts

It shall be unlawful for any person to:

- A. Deposit refuse in the can, container or bundle of another person or to place refuse with that of another person which is placed or to be placed for collection unless such persons are members of the same residence; provided, however, that consolidation of refuse shall be permitted only upon prior approval of the owner of the property upon which the can, container or bundle shall be placed.
- B. Deposit any refuse for lot filling or leveling purposes, except lawn and garden cleanings which may be composed.
- C. Interfere with or to cause interference with any can, container or bundle of refuse.
- C. Transport refuse or rubble within the borough in such a manner that such materials leak, spill or blow from the transporting medium.

- D. Create, cause or add to any refuse accumulation which is creating unwholesome odors or which is causing the attraction of insects or rodents or which is creating a fire hazard.
- E. Intentionally burn garbage.

§ 64-5. Violations and penalties

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) or to imprisonment to the extent allowed by law for the punishment of a summary offense, or both. Each day's violation of any of the provisions of this chapter and each violation of an applicable section of this chapter shall constitute a separate offense. In addition to the aforesaid penalties, the Borough shall be entitled to recover its court costs and reasonable attorney's fees incurred by the Borough for the enforcement and prosecution of this chapter.

SECTION II:

If any section or provision of this Ordinance is adjudged by a court of competent jurisdiction to be unlawful, void, or unenforceable, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

SECTION III:

All ordinances or parts of ordinances which are inconsistent with the terms hereof are hereby repealed.

SECTION IV:

This Ordinance shall become immediately effective.

Enacted and ordained this 4 day of December, 2023.

Attest:

Alyssa Sprout-Brace By: Judy Kelly
Alyssa Sprout-Brace, Secretary Judy Kelly, Council President
Montrose Borough Montrose Borough

Read and approved by me this 4 day of December, 2023.

By: Thomas Lamont
Thomas Lamont, Mayor
Montrose Borough