

CODE OF ORDINANCES
of the
Borough of Edwardsville
Luzerne County, Pennsylvania

Published by Authority of the Borough

Adopted December 9, 2004
Revised Through December 12, 2019

GENERAL CODE
www.generalcode.com

This Code was originally published by the former Penns Valley Publishers and is currently being updated by General Code.

Revised Through:

12/27/2005
5/11/2006
10/17/2006
3/26/2007
7/12/2007
8/9/2007
11/8/2007
12/13/2007
1/1/2008
9/11/2008
5/14/2009
6/11/2009
9/10/2009
12/21/2009
12/21/2009a
7/8/2010
9/9/2010
11/10/2010
12/20/2010
3/10/2011
5/12/2011
12/8/2011
2/9/2012
6/14/2012
10/11/2012
11/14/2013
6/12/2014
11/13/2014
3/12/2015
7/9/2015
5/12/2016
12/8/2016
7/17/2018
12/12/2019

**CHAPTER 20
SOLID WASTE**

PART 1

STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE

- § 20-101. Definitions.
- § 20-102. Levy.
- § 20-103. Limitations.
- § 20-104. Placing Garbage or Refuse in Receptacles.
- § 20-105. Unauthorized Use of Borough Collection.
- § 20-106. Frequency of Regular Collection Service.
- § 20-107. Rules and Regulations.
- § 20-108. Violations and Penalties.

PART 2

RECYCLING PROGRAM REGULATIONS

A. Mandatory Recycling Law.

- § 20-201. Title.
- § 20-202. Purpose.
- § 20-203. Definitions.
- § 20-204. Residential Recycling Requirements.
- § 20-205. Commercial Recycling Requirements.
- § 20-206. Disposal of Lead Batteries.
- § 20-207. Disposal of Leaf Waste and Similar Material.
- § 20-208. Borough Ownership of Recyclables.
- § 20-209. Recycling of Materials.
- § 20-210. Delegation of Duties.
- § 20-211. Enforcement.

B. Recycling Collection Stickers.

- § 20-221. Recycling Collection Stickers.
- § 20-222. Stickers.
- § 20-223. Sticker Fees.
- § 20-224. Payment of Fees; Exceptions; Penalty for Nonpayment.
- § 20-225. Violations and Penalties.
- § 20-226. Means of Appeal.
- § 20-227. Enforcement.

EDWARDSVILLE CODE

PART 3

REGULATION OF MANURE AND COMPOST PILES

- § 20-301. Location Restrictions.
- § 20-302. Covering Required; Periodic Removal.
- § 20-303. Violations and Penalties.

PART 4

TIME FOR PLACEMENT OF WASTE AND RECYCLABLES FOR
COLLECTION

- § 20-401. Time for Placement.
- § 20-402. Violations and Penalties.

PART 1

STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE

§ 20-101. Definitions. [Ord. 2/15/1990, § 1]

BAG — One standard thirty-gallon commercial garbage bag.

GARBAGE — Every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking or storing of meat, fish, fruit or vegetables.

HOUSEHOLD — One living unit or housing unit.

RUBBISH — 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, trees, branches, stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans, newspapers.

TOXIC OR HAZARDOUS SUBSTANCE — Any element, compound or mixture which:

A. Is defined as a hazardous material under the Hazardous Materials Transportation Act and which has one of the following hazard classes:

Radioactive	173.389
Poison A	173.326
Flammable gas	173.300
Nonflammable gas	See 173.300
Flammable liquid	173.115(a)(1)
Oxidizer	173.151
Flammable solid	173.150
Corrosive material (liquid)	173.240
Poison B	173.343
Corrosive material (solid)	173.240
Combustible liquid	173.115(a)(2)

This includes material listed in 49 CFR 172.101, as well as those meeting the criteria referenced above.

B. Is listed as a hazardous waster under the Resource Conservation and Recovery Act, 40 CFR 261.31, 261.32, 261.33(e) and 261.33(f), even if the material has not been designated as waste.

C. Meets the criteria of hazardous waste as defined in 40 CFR 261.21, 261.22, 261.23 and 261.24, even if the material has not been designated as waste.

- D. Is listed as priority pollutant under the National Pollutant Discharge Elimination System, 40 CFR 122, Appendix D, Tables II, III and V.
- E. Is listed as an explosive by the Bureau of Alcohol, Tobacco and Firearms (ATF P 5400.7).

§ 20-102. Levy. [Ord. 2/15/1990, § II; as amended by Ord. 12/27/1991A, § I; and by Ord. 23-2004, 12/9/2004, § 1]

Beginning on the effective date of this Part, each household shall pay the sum of an amount as established from time to time by resolution of Borough Council per bag of garbage and/or rubbish collected by the Borough.

§ 20-103. Limitations. [Ord. 2/15/1990, § III]

1. Borough employees 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.
2. The following items will not be collected by Borough employees and must be disposed of by the owner thereof:
 - A. Motor vehicles.
 - B. Waste from the demolition, destruction, burning or disposal of buildings.
 - C. Large household appliances, e.g., stoves, refrigerators, washing machines, dryers, freezers.
 - D. Concrete.
 - E. Large limbs, tree trunks, tree roots.
 - F. Items weighing more than 40 pounds.
 - G. Tires.
 - H. Poisons or any type of toxic or hazardous substance.
 - I. Explosives.
 - J. Dangerous or corrosive chemicals.
 - K. Clothing taken from persons with infectious diseases.
 - L. Heavy metals or metal parts.
 - M. Rocks, bricks, concrete blocks.
 - N. Refuse from construction or remodeling.

- O. Any garbage or refuse which cannot be securely contained in a thirty-gallon commercial garbage bag.

§ 20-104. Placing Garbage or Refuse in Receptacles. [Ord. 2/15/1990, § IV; Ord. 5-98, 4/16/1998, § 4; Ord. No. 2-2025, 7/10/2025]

1. Garbage or rubbish that is mixed with water or other liquids shall be drained before being placed in a bag. Grease in a free-flowing state shall be reduced to a solid.
2. Bags must be securely tied or sealed to prevent emission of odor and shall be of a material so that the liquids and greases will not be able penetrate through the material and shall be of sufficient thickness and strength to contain the garbage or refuse enclosed without tearing or ripping under normal handling.
3. All garbage to be collected by the Borough shall not include any protruding objects nor any medical needles or syringes and/or other biohazardous material.
4. The owner of every premises shall supply approved containers for waste or trash and shall be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, watertight and made of metal or plastic. Containers must have tight-fitting covers and must be kept clean and odor free at all times. Waste/trash containers and/or bags may only be placed in front of a property no more than 24 hours before the scheduled pickup date. All waste/trash bags must be stored in containers up until the 24-hour period prior to the pickup date.

§ 20-105. Unauthorized Use of Borough Collection. [Ord. 2/15/1990, § V]

It shall be unlawful for any person to place or permit another to place any garbage or rubbish for collection by the Borough if that garbage or rubbish is brought from outside the Borough for the purpose of disposal. The owner or occupant of any household shall cause to be removed all garbage or refuse items which will not be collected by the regular Borough collection service and which are located or deposited on the property. Removal, at the owner's or occupant's expense, within three days of notice by the Borough is required.

§ 20-106. Frequency of Regular Collection Service. [Ord. 2/15/1990, § VI]

Regular Borough collection service shall be provided one time per week for the protection of the public health and the control of flies, insects and rodents.

§ 20-107. Rules and Regulations. [Ord. 2/15/1990, § VII; as amended by Ord. 5-98, 4/16/1998, § 3]

1. All collections will be made from a place easily accessible to the Borough's collection equipment from the street from which collections are made. Collections will not be made from inside structures or enclosures.
2. Borough Council or its designated representatives shall have the authority to make such additional rules and regulations concerning the manner and method of Borough garbage and refuse collection as Borough Council deems necessary.
3. All garbage to be collected by the Borough shall be bagged, with a garbage sticker affixed thereto, and will not exceed 35 pounds in weight.

§ 20-108. Violations and Penalties. [Ord. 2/15/1990, § VIII; as amended by Ord. 23-97, 5/21/1997, § 6; and by Ord. 23-2004, 12/9/2004, § 1].

1. Any garbage, rubbish or other refuse not collected by the Borough, either because of the limitations provided in this Part or because of nonpayment of a fee, shall be disposed of by the owner. Failure of the owner to dispose of garbage, rubbish or other refuse not collected by the Borough shall be considered a violation of this Part, and the owner shall be subject to the penalties hereinafter provided.
2. Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine not less than \$125 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
3. It shall be considered a violation of this Part when two or more households are aggregating their garbage and/or rubbish for collection under one fee. In such event, both parties will be considered in violation of this Part.
4. Any person placing bags of garbage for collection without compliance with the regulations promulgated by Borough Council or its designee pursuant to this Part shall be liable for suspension of the future privilege of having garbage collection until said individual shall be in compliance with said regulations.
5. Each day that any violation of this Part exists shall be considered a separate and distinct violation.
6. Nothing in this Part shall prevent a household from contracting with a private hauler for disposal of garbage and rubbish.

PART 2

RECYCLING PROGRAM REGULATIONS

A. Mandatory Recycling Law.**§ 20-201. Title. [Ord. 8/15/1991A, § I]**

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

§ 20-202. Purpose. [Ord. 8/15/1991A, § II]

It is the goal and purpose of this Part 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 of by the Borough. This Part is also designed, in accordance with the Borough's police powers, to protect the health, welfare and safety of the residents of this Borough.

§ 20-203. Definitions. [Ord. 8/15/1991A, § II; as amended by Ord. 23-2004, 12/9/2004, § 1]

For the purposes of this Part, 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 provision of this Part 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 § 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 Protection. The waste shall include, but is not limited to, garbage, sludge, rubbish, ashes, street cleaning, dead animals, offal, abandoned vehicles, agricultural waste.

§ 20-204. Residential Recycling Requirements. [Ord. 8/15/1991A, § IV]

1. In accordance with § 1501 of Act 101, 53 P.S. § 4000.1501, the following items are hereby declared as the designated residential recyclable materials:
 - A. Newsprint, which, until such time as may be prohibited by the recycling facility, may also include glossy advertising inserts.
 - B. Aluminum cans.
 - C. Clear glass.
 - D. Colored glass.
 - E. Certain types of plastics.
2. 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.
3. 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.
4. The Department of Public Works of the Borough shall establish a schedule for collection of the recyclable materials which conforms to the requirements of § 1501(d) of Act 101. Suitable public notice of said schedule of collection shall be made via newspaper advertisement.

§ 20-205. Commercial Recycling Requirements. [Ord. 8/15/1991A, § V]

1. In accordance with § 1501 of Act 101, the following are designated as the designated commercial recycling materials:
 - A. High-grade office paper.
 - B. Aluminum.
 - C. Corrugated paper.
 - D. Leaf waste.
2. 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.
3. 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.
4. Any commercial establishment which seeks exemption from the requirements of this Part 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 § 1501(c)(1)(iii) of Act 101.

§ 20-206. Disposal of Lead Batteries. [Ord. 8/15/1991A, § VI]

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 § 1510 of Act 101. No other form of disposal shall be lawful.

§ 20-207. Disposal of Leaf Waste and Similar Material. [Ord. 8/15/1991A, § VII]

Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings, shall be separated from other Borough 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.

§ 20-208. Borough Ownership of Recyclables. [Ord. 8/15/1991A, § VIII]

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.

§ 20-209. Recycling of Materials. [Ord. 8/15/1991A, § IX]

It shall be unlawful for any person to dispose of the materials designated herein as recyclables with regular Borough waste. The Department of Public Works and its designated agents are hereby authorized to regularly inspect all Borough waste collected for violations of this Part. The Borough reserves the right to refuse to collect Borough waste which contains unseparated recyclable materials in violation of § 20-204 of this Part.

§ 20-210. Delegation of Duties. [Ord. 8/15/1991A, § X]

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

§ 20-211. Enforcement. [Ord. 8/15/1991A, § XI; as amended by Ord. 23-2004, 12/9/2004, § 1]

Any person, firm or corporation who shall violate any provision of this Part, except as stated in § 20-309, shall be, upon conviction thereof, sentenced to pay a fine not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

B. Recycling Collection Stickers.

§ 20-221. Recycling Collection Stickers. [Ord. 12/14/1995, § 1]

1. Residential.
 - A. All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Edwardsville, 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 Edwardsville.
 - B. It shall be the obligation of the owner of any such residential structure to purchase a recycling sticker.
 - C. Each owner of a trailer park or multifamily dwelling shall be responsible for purchasing a 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 Edwardsville 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 recycling in their facility and include the following:
- (1) Collection receptacles must be provided that are big enough to hold the recyclables 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 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 program at any such facility must conform with the recycling program in effect in the Borough of Edwardsville.
 - (5) The collection, transportation, processing and marketing of the 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 Edwardsville Borough Council on or before January 15 of each year detailing the 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.
2. Commercial. All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Edwardsville which is used for commercial purposes may, with the consent of Edwardsville Borough Council, purchase a recycling sticker from the Borough of Edwardsville.
3. Purchase of Stickers. Recycling stickers can be purchased from the office of Code Enforcement of the Borough of Edwardsville or from any other individual or office authorized by Borough Council to sell recycling stickers and to collect recycling fees.

§ 20-222. Stickers. [Ord. 12/14/1995, § 2]

Upon payment of the recycling fee and charges as hereinafter set forth, a 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 recyclables are to be removed.

§ 20-223. Sticker Fees. [Ord. 12/14/1995, § 3; as amended by Ord. 5-98, 4/16/1998, § 1; and by Ord. 23-2004, 12/9/2004, § 1]

The annual fee for a recycling sticker in the Borough of Edwardsville shall be in an amount as established from time to time by resolution of Borough Council.

§ 20-224. Payment of Fees; Exceptions; Penalty for Nonpayment. [Ord. 12/14/1995, § 4; as amended by Ord. 23-97, 5/21/1997, § 7; by Ord. 5-98, 4/16/1998, § 2; and by Ord. 23-2004, 12/9/2004, § 1]

1. Vacant Residential Units. Any residential unit vacant for more than 60 days and which shall remain vacant shall not require the owner to purchase an annual recycling sticker, but it is the owner's responsibility to notify the Borough of the vacancy on a yearly basis, and the Building Inspector shall reserve the right to inspect the property at any time to determine occupancy. When the unit is reoccupied, a recycling sticker must be immediately obtained.
2. Responsibility for Payment of Recycling Fee. It is the responsibility of the property owner to purchase an annual recycling sticker for each residential unit he or she owns within the Borough.
3. Payment Schedule and Penalties. The owner of each occupied residential unit must purchase an annual recycling sticker on or before April 30 of each year in the amount of \$25 per unit, unless amended by a subsequent resolution of Borough Council. A payment made on or after May 1 and on or before June 30 of each year shall be considered late, and the fee during this period shall be \$50 per unit, unless amended by subsequent action of Borough Council via resolution. If payment is not made by June 30 of the applicable calendar year, a citation shall be filed, and the responsible party shall be subject to the late payment fee of \$50 and payment of costs, fines and/or imprisonment as set forth in the Recycling Ordinance. The Building Inspector and/or Code Enforcement Officer shall have the power to issue citations to any owner which fails to comply with the provisions of the Recycling Ordinance. [Amended by Ord. 16-2016, 12/8/2016¹]

§ 20-225. Violations and Penalties. [Ord. 12/14/1995, § 5; as amended by Ord. 23-2004, 12/9/2004, § 1]

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

¹Editor's Note: This ordinance provided that it become effective 1/1/2017. It also provided for the repeal of former Subsection 4, Additional Late Fee, which immediately followed this subsection.

§ 20-226. Means of Appeal. [Ord. 12/14/1995, § 6; as added by Ord. 5-98, 4/16/1998, § 8]

Any person or entity aggrieved through the enforcement of any provision or any section of this Part may file an appeal with the Edwardsville Borough Code Hearing Board under the regulations provided in the Code Enforcement Ordinance [Chapter 5, Part 1].

§ 20-227. Enforcement. [Ord. 12/14/1995, § 7; as added by Ord. 5-98, 4/16/1998, § 8]

This Part shall be enforced by the Code Enforcement Officer and the Building Inspector of the Borough of Edwardsville as directed by the Borough Manager.

PART 3

REGULATION OF MANURE AND COMPOST PILES

§ 20-301. Location Restrictions. [Ord. 8/7/1916A, § 1]

It shall be unlawful for any person, firm or corporation to keep or maintain a deposit of dung, manure, a compost heap or the like along or adjoining any street, alley, courts or sidewalk; or upon his, her or their premises, or upon any private property under his, her or their control within 30 feet of any door or window of any building used or occupied as a dwelling or business place in Edwardsville Borough.

§ 20-302. Covering Required; Periodic Removal. [Ord. 8/7/1916A, § 2]

Every person, firm or corporation keeping or maintaining any deposit of dung or manure, compost heap or the like upon his, her or their premises or upon any private property under his, her or their control shall keep the same covered with canvass or other material so as to prevent the emanation of all nauseous and offensive smells and orders. And shall have such deposits and accumulations removed and carted away from the said premises or private property at least once every two weeks.

§ 20-303. Violations and Penalties. [Ord. 8/7/1916A, § 3; as amended by Ord. 5-98, 4/16/1998, § 7; and by Ord. 23-2004, 12/9/2004, § 1]

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine not less than \$125 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 4

**TIME FOR PLACEMENT OF WASTE AND RECYCLABLES FOR
COLLECTION****§ 20-401. Time for Placement. [Ord. No. 1-2019, 10/10/2019]**

1. Refuse, recyclables and yard waste shall be placed at curbside for municipal pickup before 6:00 a.m. on the date the pickup is scheduled but not earlier than 6:00 p.m. on the date preceding the scheduled pickup.
2. For residents utilizing private haulers, refuse shall not be placed at curbside for private hauler pickup earlier than 6:00 p.m. on the date preceding the scheduled pickup.

§ 20-402. Violations and Penalties. [Ord. No. 1-2019, 10/10/2019]

Any person violating the terms of this Part shall be subject to a fine of not less than \$50 nor more than \$300.