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TITLE SEVEN - Refuse

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ARTICLE 923  
Garbage Service

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923.01 DEFINITIONS

The following words or combinations of words, if and when used in this Article or an amendment hereof, shall have the meanings now ascribed to them, subject to any exclusions herein stated; except, however, in instances where the context clearly indicates a different meaning:

**Ashes:** The residue resulting from the burning of wood, coal, coke, or other combustible material. The definition excludes ashes resulting from industrial process.

**Authorized Commercial Collector:** A person, firm or corporation licensed to collect, convey and dispose rubbish, garbage, bulky waste and recyclables in accordance with the provisions of this Ordinance.

**Bimetal Container:** An empty food or beverage container consisting of ferrous sides and bottom and an aluminum top.

**Building or Accessory Structure:** A building or other structure constructed, existing and used in conformity with the zoning, building and fire prevention ordinances, codes and regulation of the City.

**Bulky Waste:** Large household appliances, such as stoves, refrigerators, washing machines or the equivalent in size in: furniture and furnishings, plumbing, fixtures, large crates, tools, machinery or parts thereof, and similar items. Bulky waste shall not include televisions, computers, and other electronic equipment.

**City:** The City of Franklin.

**Code Enforcement Officer:** The City of Franklin Code Enforcement Officer or his designee.

**Construction and Demolition Waste:** Lumber, roofing, material, sheathing, rubble, broken concrete, plaster and brick, conduit, pipe, wire, insulation, windows and window glass and similar material which results from a construction, demolition or remodeling process.

**County:** Venango County, Pennsylvania.

**Dwelling Unit:** Any room or group of rooms located within a building and forming a single, habitable unit with facilities which are used, or intended to be used for living, sleeping, cooking and eating by one (1) family.

**Garbage:** All animal and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods.

**Glass Containers:** Clean bottles and jars made of clear, green or brown glass. Glass containers shall not include non-container glass and porcelain and ceramic products.

**Household Rubbish:** Paper (except newspaper), wood, excelsior, plastics, rags and cloth, leather, rubber, metals, metal foils, ceramics, crockery and similar items normally produced by or originating from private residential occupancy; provided, however, that the items set forth herein need not be produced by or originate from a residence to be classed as "household rubbish" so long as such waste is similar to the waste produced by or originating in a residence as to size, weight and material. Household rubbish shall not include material specifically designated as recyclable, nor shall household rubbish include ashes as defined herein.

**Industrial and Commercial Waste:** Any material or substance which is a waste byproduct of the industrial or commercial process, and shall include packing materials and equipment used in the delivery or shipment of goods to or from the industrial or commercial site.

**Magazines and Periodicals:** Printed material containing miscellaneous written pieces published at fixed intervals. Magazines and periodicals shall not include all other paper products of any nature whatsoever.

**Municipal Collection Service:** A collection service established and operated by the City, or a private collection service under contract with the City.

**Newspapers:** Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisement and other matters of public interest. Newspapers shall not include newspapers which have been soiled.

**Non-Collectible Waste:** Includes the following:

- (a) poisons, acids, caustics, explosives, ashes and other hazardous material that may cause damage or injury to collection equipment or personnel;
- (b) dead animals; and
- (c) tires, batteries, computers, televisions, electronics, paints and any other waste or materials prohibited for collection by law.”

**Owner:** A person who owns real estate in the City.

**Person:** A natural person, fiduciary, association, estate, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid .

**Recyclable Materials/Recyclables:** Those materials specified by the City for collection in accordance with recycling regulations. Such material may include, without limitation, aluminum products, clean glass containers, bimetal containers, newspapers, magazines and periodicals, plastic containers, and yard waste. This definition may be changed by resolution of City Council to add recyclables depending upon what the City is able to dispose of through municipal recycling efforts.

**Recycling:** The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

**Refuse:** All solid waste, which shall include, without limitation, rubbish, household rubbish, garbage, industrial and commercial wastes and junk. Refuse shall not include non-collectible waste.

**Rubbish:** Solid waste exclusive of garbage. Rubbish shall include, without limitation, non-recyclables, glass, metal, paper, plastic and plant material, wood or non-putrescible waste.

**Scavenge:** The uncontrolled or unauthorized removal of recyclable materials/recyclables from curbside after being placed there for collection.

**State:** The Commonwealth of Pennsylvania and its regulatory agencies.

**Vehicle:** Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Yard Waste: Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. Yard waste shall also include Christmas trees that are natural wood with all lights and decorations removed.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

(Ord. 11 of 2023, Sect. 1, Passed Finally 12-04-23)

#### 923.02 DISPOSAL

- (a) It shall be unlawful to dump, destroy or otherwise dispose of refuse within the jurisdictional limits of the City, except at a state-or county-approved disposal site.
- (b) All refuse shall be deposited and disposed of at a site designated by the County as a county landfill or other state-approved disposal site.
- (c) An exception to the above requirement to deposit or dispose of refuse at a state-approved disposal site shall be for scrap or salvageable material, which may be delivered or sold to a process center or recycling center for reclamation and salvaging.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

#### 923.03 REFUSE ACCUMULATION AND STORAGE

- (a) No person shall accumulate or store, or permit to be accumulated or store, on any property within the City any refuse or non-collectible waste in a method or in quantities not authorized by this Article and as hereinafter specified; provided, however, that these regulations shall not apply to any refuse or non-collectible waste accumulated or stored within a building or accessory structure constructed and maintained in accordance with duly established health, zoning and building laws, codes and regulations, nor to the storage of clean material designated as a recyclable by the City.
- (b) Garbage shall be drained of liquid, wrapped securely in paper, plastic bags or similar material and placed with other household rubbish in an approved container, as provided in Section 923.04. Garbage shall not be stored for a period exceeding seven (7) days. An exception to the above accumulation and storage methods for bars, taverns, restaurants, institutions and commercial food-handling and processing uses may be granted by the Code Enforcement Officer through written agreement setting forth the specific conditions and regulations to be applied.

- (c) Material being composted shall be stored in such a manner as not to create a nuisance or to endanger the public safety. Given this condition, material being composted may be stored for more than seven (7) days.
- (d) Industrial and commercial waste stored outside of buildings shall be stored in containers of suitable size, shape and material so as to prohibit the waste from being scattered by wind or rain and shall prohibit accessibility of such waste to rodents and other vermin. An exception to the container requirement shall be for an inorganic industrial byproduct waste of such quantity that container storage is impractical. In such latter instance, storage shall be by a means which will prohibit the waste material from becoming a practical nuisance. In all instances, putrescible wastes shall not be stored for periods exceeding seven (7) days, and all other wastes shall not be stored for periods exceeding thirty (30) days.
- (e) Construction and demolition waste may be stored upon the land where actual construction or demolition is in progress; provided, however, that such waste shall not be stored for a period exceeding ninety (90) days and shall not be stored in a way which will allow it to be scattered by wind or rain.
- (f) Bulky waste shall not be stored outside of a building or accessory building on any land in the City, except for a period not exceeding seven (7) days pending collection and disposal.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

#### 923.04 RESIDENTIAL REFUSE AND RECYCLABLE COLLECTION

The collection of all residential refuse, recyclables, bulky waste and yard waste in the City shall be by the municipal collection service, except as herein provided, in accordance with the following rules and regulations:

- (a) The municipal collection service shall be the sole collecting service for residential refuse and recyclable collection.
- (b) All refuse shall be prepared for collection in strict conformity with this ordinance and deposited for collection in accordance with collection standards as adopted by the City from time to time.
- (c) It shall be unlawful to place any material for the municipal collection service in unauthorized containers. Collection personnel may refuse to collect improperly prepared materials and may give notice of such by affixing a tag to the container or material citing the violation. Failure to comply after first notice may result in prosecution under Section 923.99.

- (d) It shall be unlawful to store or place for residential collection with household rubbish any of the materials defined as non-collectible waste.
- (e) "Reserved"
- (f) Each dwelling unit shall provide at least one (1) and no more than two (2) watertight garbage cans for their use with a tight cover, in which all household rubbish and garbage shall be deposited, and said cans shall be kept clean and sanitary. If plastic bags are used for collection without cans, each bag shall be secured tightly at its end. Each bag cannot weigh more than fifty (50) pounds, and the total volume of bags cannot exceed the volume of two (2) garbage cans. Garbage cans having a capacity of thirty-five (35) gallons or more must have all household rubbish, rubbish, garbage and refuse bagged within the can for collection, and may not exceed fifty (50) pounds per bag. In addition, occupants may place one (1) piece of bulky waste and/or yard waste, per collection, as long as each bag or bundle of yard waste does not exceed fifty (50) pounds. Household rubbish and garbage shall not be stored in a manner that creates offensive or obnoxious odors.
- (g) Tree trimmings, shrubbery clippings and similar material shall be cut in lengths not to exceed three (3) feet and securely tied with string or twine in bundles not more than fifty (50) pounds total weight. Trimmings not prepared as prescribed will not be collected with the exception of Christmas trees made of natural wood with all lights and decorations removed. Leaf waste shall be collected only in accordance with Section 923.05.
- (h) Except when specifically authorized by municipal collection service, material shall be placed for collection at curbside and readily accessible to and not more than ten (10) feet from the side of the street or alley from which the collection is made.
- (i) In no event shall refuse containers or recycling containers remain at curbside for more than twenty-four (24) hours. Residential refuse containers and bulky waste shall not be placed at collection points earlier than 7:00 PM on the evening prior to scheduled collection, and empty refuse containers shall be removed from the collection points prior to 7:00 PM on the day of the scheduled collection.
- (j) Each dwelling unit shall provide and maintain a plastic bucket container or other containers in which shall be placed all recyclables, which shall be rinsed clean before storage in said containers. Containers may be provided by the garbage service contractor, with or without cost, to each dwelling unit, and such container shall be used for recyclable collection. All recyclables shall be separated from all other household rubbish and garbage. Newspapers must be stored and placed for collection unsoiled and dry. In no event shall recycling containers remain at curbside for more than twenty-four (24) hours.

Recyclables shall not be placed in the said containers at collection points earlier than 7:00 PM on the evening prior to scheduled collection, and empty recycling containers shall be removed from the collection points prior to 7:00 PM on the day of the scheduled collection.

- (k) Routes of collection shall be along streets, alleys and rights-of-way as from time to time established by the City and the municipal collection service. Routes and pickup points shall be determined on the basis of the most efficient routing of collection equipment.
- (l) From the time of the placement of approved recyclables at the curb by an owner or household occupant for collection, such recyclables shall become and be the property of the City of Franklin or its authorized contractor.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

(Ord. 11 of 2023, Sects. 2-4, Passed Finally 12-04-23)

#### 923.05 LEAF WASTE

- (a) All persons who reside in residential dwellings, and all persons who are responsible for the administration of multi-family dwelling and commercial, municipal and institutional establishments who gather leaves, shall source-separate all leaves and place them for collection at the times and in the manner heretofore or hereafter prescribed by the City.
- (b) Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural, gardening or landscape purposes.
- (c) Residents may dispose of their leaves other than by composting by (1) storing them in biodegradable paper bags or (2) by raking them curbside. Leaves shall be placed between the curb and the sidewalk during scheduled leaf waste collection periods and at no other time during the year. Where no sidewalk is present, leaves are to be raked to the curb only and not in the street gutter. These are the only two acceptable means of disposing of leaves in the City. Persons violating the provisions of this section shall be subject to the provision of Section 923.99 of this ordinance.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

## 923.06 REFUSE AND RECYCLING REMOVAL FEE

- (a) A monthly refuse and recycling removal fee, was established by Council from time to time by resolution and set forth in the fee schedule, is hereby imposed upon and shall be charged against the owner or occupant of any residential property for each residential dwelling unit for which refuse, recycling or bulky waste removal services are provided by the municipal collection service. Multi-family units with four (4) or more residential units, including apartment complexes, condominiums, retirement homes and mobile home parks, may be exempt from the City refuse and recycling removal fee under the following conditions:
- (1) The owner of the units shall be required to provide proper collection and disposal of regulated municipal waste and designated recyclable materials by utilizing a permitted private collector to deliver such refuse and recycling to an approved facility; and
  - (2) The owner of the units shall supply to the City a certified statement and a valid contract(s) demonstrating that all required refuse and recycling services (including rubbish, household rubbish, garbage, commingled recycling, newspaper/cardboard, bulky waste and yard waste) are provided to the property by one (1) or more private permitted collector which delivers the units' refuse and recycling to an approved facility.
- (b) The owner of real estate in the City shall be liable for all charges and fees issued by the City, regardless whether the occupant of the residential property is to whom all bills for charges and fees are issued, and the occupant pays those charges and fees.
- (c) Any person determined by the Code Enforcement Officer to be accumulating rubbish, household rubbish, garbage, bulky waste or recyclables anywhere on the real estate outside the dwelling unit that is not in conformance with this Ordinance, shall be liable for all charges and fees imposed by the municipal collection service for all extra costs incurred by the City to effect the pickup and removal thereof by the City or its contractor, except those persons who have contracted with the municipal collection service for pickup other than at curbside.
- (d) An owner shall, to avoid liability during a vacancy of the premises, immediately notify the Finance Director in writing and request suspension of the service during the vacancy.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

### 923.07 INDUSTRIAL AND COMMERCIAL WASTE COLLECTION

It shall be the responsibility of the owner or occupant of all commercial and industrial properties to dispose of all industrial or commercial waste by contracting for the collection, removal and disposal with an authorized commercial collector, or collecting, conveying and disposing of such refuse with its own vehicle; provided, however, that all such collections must be in accord with the other conditions in this ordinance. In all instances, putrescible wastes shall be disposed or removed within seven (7) days, and all other wastes shall be disposed of or removed within thirty (30) days.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

### 923.08 CONSTRUCTION AND DEMOLITION WASTE COLLECTION

All waste material resulting from building or structure alteration, repair, construction or demolition shall be removed by and at the expense of the owner of the premises upon which such waste was produced. In all instances, construction and demolition waste shall be disposed of or removed within ninety (90) days.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

### 923.09 CERTAIN MANDATED RECYCLING PROGRAMS

In accordance with state law, all commercial, municipal and institutional establishments, including community activities, must implement recycling programs. Materials that must be separated are high-grade office papers, aluminum, corrugated paper, glass, plastic, and leaf waste. The materials must be stored until collection. Collection of recyclable materials must be arranged by each commercial, municipal and institutional establishment, and community activity sponsor, with an authorized commercial collector. Commercial, municipal and institutional establishments must provide for recycling of the required materials, and must document the weight of the recycling materials annually to the City. An annual report of the weight and volume of materials that were recycled in the preceding calendar year must be received by the City either on or before January 15 of each following year, unless disposed of via the municipal collection service.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

### 923.10 INDEPENDENT CONTRACTOR AS COLLECTOR

The City, by agreement with an independent contractor, shall establish a municipal collection service, which shall collect and dispose of all refuse, rubbish, household rubbish, garbage, bulky waste and recyclables upon application by an owner and/or household occupant of a dwelling unit. This section is intended and shall be construed to:

- (a) Require an owner or household occupant of a dwelling unit to effect removal of all refuse, rubbish, household rubbish, garbage, bulky waste and recyclables by the municipal collection service; and

- (b) Prohibit any person other than the City, or the City's independent contractor, from conducting a service to collect and dispose of rubbish, household rubbish, garbage, bulky waste and recyclables from any and all dwelling units in the City, unless exempt under section 923.06 of this ordinance.  
(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

#### 923.11 DUTIES OF CODE ENFORCEMENT OFFICER

All powers to be exercised and duties to be performed respecting the collection and disposal of refuse, rubbish, household rubbish, garbage, bulky waste, recyclables, non-collectible waste, industrial and commercial waste, yard waste and leaf waste are assigned to the Code Enforcement Office. The Code Enforcement Officer shall supervise and direct the collection and disposal of the same in accordance with ordinances and resolutions of the City, which shall include the duty to monitor collection sites, receive complaints of violations of this ordinance, and enforce this ordinance with the issuance of citations.  
(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

#### 923.12 DUTIES OF COUNCIL

The City Council shall, after agreement with an independent contractor, fix and determine the number of collections each week, and the intervals between collection, and fix rates, fees, and charges for the municipal collection service.  
(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

#### 923.13 DUTIES OF FINANCE DIRECTOR

The rates and charges fixed and determined for the municipal service shall be payable to the City as provided in Article 925 at the office of the Finance Director. The Finance Director is hereby authorized and directed to receive and receipt for said charges in the name of the City, and to establish all records necessary or convenient to effect the billing and collection thereof.  
(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

#### 923.14 MUNICIPAL LIEN

A lien shall be filed by the City in favor of the City and against the premises and property of an owner serviced by the City for all delinquent and unpaid rates for the municipal collection service and other charges in the form and manner authorized by laws of the Commonwealth of Pennsylvania. In the event an owner of an industrial or commercial premises, or an industrial or commercial occupant, subscribes to the municipal collection service, the City shall have the right to file a lien against the premises and property of an owner of industrial or commercial premises for the municipal collection services for all delinquent and unpaid rates and charges as aforesaid.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

## 923.15 APPEAL PROCEDURE

Any owner or household occupant who, for any reason, believes that special circumstances exist which make it harshly inequitable for the said owner or household occupant to be required to comply with one or more of the provisions of this Ordinance, may appeal, in writing, to the City Council stating, in writing, all of the reasons for the appeal, and said appeal shall be filed with the City Manager, who shall notify the Council and the Appellant of the date and time the appeal will be heard by Council, and said date shall be fixed within forty-five (45) days after the appeal is filed. Council may take such action as all the circumstances indicate to exempt or to grant a partial exemption to the Appellant from compliance with one or more of the provisions of this Ordinance.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

## 923.16 ILLEGAL ACTIVITIES

- (a) It shall be unlawful for any person to deposit for collection any refuse, recyclables, bulky waste or other waste materials not generated or produced at or from the address from which collection is made, or to bring any refuse, recyclables, bulky waste or other waste material into the City or from one address to another in the City, for the purpose of taking advantage of the municipal collection service.
- (b) It shall be unlawful for any person to deposit for collection any refuse, recyclables, bulky waste or other waste materials, including, without limitation, any and all industrial and commercial waste, not generated or produced at or from the address from which collection is made, or to bring any refuse, recyclables, bulky waste or other waste material into the City or from one address to another in the City, for the purpose of collection within the City.
- (c) It shall be unlawful for any person to deposit refuse, recyclables, bulky waste or other waste material for residential collection service, which was produced by any professional or business enterprise engaged in by the owner or occupant of the dwelling unit, for the purpose of taking advantage of the municipal collection service.
- (d) It shall be unlawful for any person to scavenge recyclables within the City.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)

## 923.99 PENALTIES

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punishable by a fine of not more than five hundred dollars (\$500.00) and costs of such proceedings. Each day that a violation continues shall be deemed a separate offense.

Upon conviction and default of payment of such fine and costs, by imprisonment in the Venango County Prison for a term of not more than thirty (30) days; provided, however, that if the Magisterial District Judge determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Magisterial District Judge deems to be just.

(Ord. 6 of 2014, Sect. 1, Passed 10-6-2014)