

**HONESDALE BOROUGH**  
**WAYNE COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 716**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE CODE OF THE BOROUGH OF HONESDALE, CHAPTER 175, SOLID WASTE, BY AMENDING ARTICLE I, SOLID WASTE MANAGEMENT BY DELETING THE TERM "LICENSED" HAULER, REDEFINING COLLECTION TIMES AND INCREASING PENALTIES FOR VIOLATIONS HEREUNDER**

WHEREAS, the Borough of Honesdale (hereinafter Borough) has enacted certain and various Ordinances governing Solid Waste removal from businesses and residences located within Honesdale Borough, the same as codified in the Code of the Borough of Honesdale at Chapter 175; and,

WHEREAS, included in the foregoing legislation was an antiquated reference to "licensed haulers" as it does not issue licenses for such services; and,

WHEREAS, also included in the foregoing legislation was apparent confusion of the means of enforcement and outdated penalty provisions; and,

WHEREAS, it has come to the attention of the Borough that certain deletions, edits and or amendments are necessary to bring the terms and conditions of this Chapter current with existing requirements.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, and the same is enacted and ordained, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

**A. Chapter 175, Solid Waste, Article I, Solid Waste Management, is hereby amended as follows:**

**1. Section 175-1, Definitions, A, is hereby amended to read:**

Hauler -- Any person, firm, copartnership, association or corporation who or which collects, transports and disposes of garbage, rubbish, refuse and ruffraff for a fee, as prescribed herein.

**2. Section 175-4, License for removal, transportation and disposal of solid waste required is hereby amended to be re-titled as:**

Authorization for removal, transportation, and disposal of solid waste required

**3. The text of Section 175-4, is hereby amended to read:**

It shall be unlawful for any person to haul, transport, collect, remove and dispose of garbage, rubbish, refuse or ruffraff over the streets and alleys of said Borough without

fully and completely complying with the provisions of this Chapter.

4. **Section §175-5 is hereby repealed and stricken.**
5. **Section §175-6, Contracts, Subsection A is hereby amended as follows:**
  - A. All agreements for the removal and collection of garbage, rubbish, refuse or ruffraff shall be by private contract between the individual citizen and the hauler for the purpose of collecting, removing, hauling and disposing of such rubbish, garbage, refuse and ruffraff as may be required by any and all applicable law.
6. **Section §175-6, Contracts, Subsection B, Sub-parts (1), (2) and (3) are hereby repealed and stricken:**
7. **Section §175-7, Regulations for licensed haulers, is hereby amended to be re-titled as:**

Regulations for haulers.
8. **The text of Section 175-7, is hereby amended to read:**

All haulers doing business within the Borough shall be required to comply with the following regulations:

- A. Any hauler shall be responsible for providing collection to any person in the Borough requesting such service.
- B. All haulers shall provide pickups twice weekly during June, July, August and September and once-weekly pickups during other months of garbage, rubbish, refuse and ruffraff from publicly operated buildings or recreational areas.
- C. Collections from residences must be made once a week. Collections from commercial establishments must be made as often as necessary to control health hazards, flies, odors and unsightly appearances.
- D. If requested by the Borough, a hauler must furnish the Borough or its appointees with a general collection schedule.
- E. Collection of garbage, rubbish, refuse and ruffraff shall be made only between the hours of 7:00 AM and 7:00 PM Monday through Saturday. No collections shall be made on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day. Trucks or other vehicles used for the transportation of garbage, rubbish, refuse and ruffraff shall be equipped with an enclosed cargo space. No truck or vehicle shall be permitted to scatter any of the contents of any on the streets, highways or alleys of the Borough. Trucks used to haul garbage, refuse, rubbish and ruffraff must be maintained in a clean and sanitary condition so as to present a satisfactory outward appearance and shall meet all of the requirements of this ordinance and any and all other local, state and federal regulations.

**9. The text of Section 175-8, is hereby amended to read:**

In order to end the objectionable practice of littering the countryside with rubbish and in order to eliminate the problem of health and sanitation due to improper dumping and disposition of garbage, rubbish, refuse and ruffraff, it shall be unlawful for any hauler to dispose of said garbage, rubbish, refuse and ruffraff and other refuse material at any place other than a State approved sanitary landfill. The cost of disposal shall be paid by the hauler to the owner or operator of the sanitary landfill.

**10. The text of Section 175-9, is hereby amended as follows:**

The term *licensed hauler* is hereby replaced with the term *hauler*.

**11. The text of Section 175-11, is hereby amended to read:**

Each private customer shall contract individually with the hauler as to a method of payment of collection fees. Any fermenting, putrefying or odoriferous garbage, rubbish, refuse or ruffraff in containers collected, dumped or stored in the open is hereby declared to be a public nuisance and a violation under this Chapter.

**12. The text of Section 175-12, is hereby amended to specify at the second sentence that:**

Failure to remove any existing accumulation of garbage, rubbish, refuse and ruffraff or other refuse materials within ten (10) days after notice by the Borough, or its designee, shall be deemed a violation of this Section of this Chapter. The Borough may also elect, in concert with these provisions, to proceed against any individual in violation of these provisions under the International Property Maintenance Code as adopted and/or amended by the Borough.

**13. Section 175-13, Limited hauling permits, is hereby repealed and stricken.**

**14. Section 175-14, Powers and duties of Borough, is hereby amended as follows:**

The term *licensed hauler(s)* is hereby replaced with the term *hauler(s)*.

**15. Section 175-15, Powers and duties of Borough, is hereby amended as follows:**

Any commission or omission of any act by any person, firm, corporation or other entity which violates or does not comply with any provision of this Chapter, any Article hereunder or any regulation thereof upon determination thereof in any proceeding before a District Court judge shall be punishable by a civil fine of not more than \$1,000.00 plus any and all costs, fees, and legal fees associated therewith for a **FIRST OFFENSE** under this Chapter. A **SECOND OFFENSE** under this Chapter shall be punishable by a civil fine of up to \$2,500.00, together with the aforesaid costs and expenses. A **THIRD OR**

**SUBSEQUENT OFFENSE** under these provision shall be punishable by a civil fine of not more than \$5,000.00 together with the aforesaid costs and expenses and prohibition of any further collection activity within the borough. A violation of any provisions hereunder by an individual property owner, resident or tenant shall be punishable by a fine of not more than \$500.00, together with any and all of the aforesaid costs and expenses.

**B. Survival Clause:** Any and all other provisions of Chapter 175 of the Code unaffected by this Amendment shall remain in full force and effect.

**C. Inconsistencies:** Any ordinance or part(s) thereof inconsistent herewith are hereby repealed or simultaneously amended.

**D. Savings Provisions:** Should any section, subsection, clause, provision or other portion of this Ordinance or any other similar ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance, the Borough Council of Honesdale Borough having adopted this ordinance as if such invalid proportions had not been included therein.

**E. Effective Date:** This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED** into law by the Borough Council of Honesdale Borough,

Wayne County, Pennsylvania, by a vote of 7 to 0 this 8<sup>th</sup> day of

August, 2022.

ATTEST:

  
James Hamill, President

  
Judith Poltanis, Secretary

  
Derek Williams, Mayor

*Signed this 6th day of September 2022*

