

Chapter 234
SOLID WASTE

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

§ 234-1. Short title.

This chapter shall be known and may be cited as the "Municipal Solid Waste Ordinance of the Borough of Beech Creek."

§ 234-2. Definitions; word usage.

For the purpose of this chapter, the following terms and words shall have the meaning given herein unless the context clearly indicates otherwise; words used in the present tense include the future tense, words in the plural number include the singular number, and, conversely, words in the singular number include the plural number.

AUTHORITY — The Clinton County Solid Waste Authority.

COLLECTOR — Any person the Borough may license or designate by contract to collect municipal waste within the Borough.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in a nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theatres.

DISPOSAL — The incineration, disposition, injection, dumping, spilling, leaking, or placing of solid waste into or on land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air, or is discharged to the waters of the commonwealth.

GARBAGE — All animal and vegetable waste attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods; and all refuse of animal or vegetable matter which has been used for, or was intended to be used for, food for human or animal consumption.

HAZARDOUS or HAZARDOUS WASTE — The meaning defined and described in Pennsylvania's Solid Waste Management Act No. 97, P.L. 380, approved July 7, 1980, 35 P.S. § 6018.101 et seq., as heretofore and hereafter amended, or in any subsequent similar

statutes, and the rules and regulations of the commonwealth heretofore and hereafter promulgated.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste, and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities, and any sludge not meeting the definition of residual waste or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.

MUNICIPALITY — A municipality organized and existing under the laws of the Commonwealth of Pennsylvania and located in the County of Clinton in said commonwealth.

OCCUPANT — The person generally in possession and control of any dwelling unit or premises.

PERSON — Every natural person, firm, partnership, association, corporation, joint stock company, trust, unincorporated organization, municipal authority or similar body, municipality, government or political subdivision thereof, or organization of any kind; and with respect to any fine or imprisonment hereunder, the term "person" shall include the officers and directors of any corporation or legal entity having officers and directors, in accordance with the culpability provisions of the Pennsylvania Crimes Code, Title 18, Pa.C.S.A.¹

PREMISES — Any real property subject to the terms of this chapter.

REFUSE — The collective term applying to all garbage, rubbish, ashes, and ruffraff from residential, municipal, commercial or institutional premises of the Borough.

RESIDUAL WASTE — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include "coal refuse" as defined in the Coal Refuse Disposal Control Act (52 P.S. § 30.53). "Residual waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law, 35 P.S. § 691.1 et seq.

RIFFRAFF — Waste materials too large for collection in ordinary containers such as furniture, refrigerators, springs, mattresses, stoves, carpeting, tires, automotive parts and junk cars and the like, from residential, municipal, commercial and institutional premises in the Borough; and it shall not include refuse caused by repair, alteration or new construction of buildings or sidewalks, such as concrete, bricks, lumber, shingles and all other such type of building materials.

RUBBISH — All rags, broken glass, bottles, cans, crockery, plastic containers and other small household refuse as may result from the normal use of property as a dwelling unit.

1. Editor's Note: See 18 Pa.C.S.A. § 101 et seq.

SOLID WASTE — Any municipal waste, including solid, liquid, semisolid or contained gaseous materials, but excluding residual waste and all hazardous wastes.

STORAGE — The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste; it shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal.

TRANSPORTATION — The off-site removal of any municipal solid waste generated or present at any time within the Borough.

TREATMENT — Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any municipal waste so as to neutralize such waste or so as to render such waste safer for transport, suitable for recovery, suitable for storage, or reduced in volume. Such item includes any activity or processing designed to change the physical form or chemical composition of waste so as to render it neutral or nonhazardous.

§ 234-3. Preparation and storage of municipal solid waste.

- A. General. The storage of all Borough waste shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisances.
- B. Storage. Any person accumulating or storing garbage on private or public property in the Borough for any purpose whatsoever shall place the same or cause the same to be placed in sanitary closed or covered containers obtained at their own expense in accordance with the following standards:
- (1) Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction, rust and corrosion resistant, waterproof, leakproof, and, except in the case of bulk containers, shall not exceed 32 gallons in capacity; consumer-type plastic garbage or trash bags may be used, provided they are securely fastened and remain outside for no more than 12 hours prior to the scheduled garbage collection.
 - (2) All containers shall be kept in a sanitary condition and in good repair. Any container that does not conform with this chapter or is difficult to handle, or is likely to injure the collector or his employees, or hampers the prompt collection of solid waste shall be promptly replaced (at the owner's expense) upon notice to the owner of such container from the Borough.
 - (3) A sufficient number of containers shall be provided to contain all municipal waste materials that are required to be placed in containers generated during periods between regularly scheduled collections.
 - (4) All municipal wastes which may be produced or accumulated shall be deposited daily in a proper container as herein provided.
 - (5) All containers for the storing of municipal wastes shall be kept securely covered to prevent any of the contents from being scattered about and to prevent the propagation of rats, flies, and other insects and vermin.

- C. Location of containers for door-to-door collection. Containers for door-to-door collection shall be placed in the following manner to facilitate such collection:
- (1) Containers other than bulk containers shall be placed, whenever possible, at ground level and at a point on the curblineline of the street, or within no less than 10 feet of the public street or alley right-of-way from which collection from a vehicle can be made. Failure to place containers at such locations may result in an additional charge for collection.
 - (2) Bulk containers shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector that will enable clear and easy access to the container by the collector's vehicle.
 - (3) The exact location of the container shall facilitate removal of the contents by the collector. Access to such location be kept clear of snow, ice and other obstructions which may interfere with reasonable access to, and collection of, the containers by the collector. The occupant shall securely close the top of the container in such a manner as to the contents of the container from spilling out prior to the time scheduled for collection of the container, but not so as to prevent the removal of the contents of the containers upon the collection thereof by the collector.
 - (4) The collector shall be required to make collection from the locations provided herein but shall not be required to collect from any location at the second floor, basement, from inside the garage or other similar location. The collector shall remove the contents from the container to the extent practicable in a manner to prevent the contents from being spilled upon such premises and shall thereupon remove such collected municipal waste from such premises.
- D. Preparation of municipal solid waste for door-to-door collection. Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:
- (1) All garbage shall be drained of excess liquids and wrapped in paper before being placed in the waste storage containers previously described; all ashes shall be free of any burning material before being deposited for collection.
 - (2) Tree, brush, hedge and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six feet, and shall be bound securely in bundles not to exceed 40 pounds in weight before being deposited for collection.
 - (3) Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six feet in length and 40 pounds in weight before being deposited for collection.
 - (4) No person except the occupants of the premises on which a waste container is placed or an authorized collector shall remove the lids of any container and/or remove the contents thereof.
 - (5) Municipal waste refuse of a highly flammable or explosive nature, and highly infectious or contagious refuse shall not be stored for ordinary collection, but

shall be disposed of in accordance with the directions of the Borough and the rules and regulations of the Department of Environmental Protection.

- E. Storage on commercial, institutional and industrial properties.
- (1) Storage of municipal waste on commercial, institutional and industrial properties shall be in the same type of container as required in this section except where the accumulation for each commercial, institutional or industrial property is in excess of an amount that can be stored in three such containers for a period of one calendar week, in which case the owner and/or occupant of the commercial, institutional or industrial property shall make special arrangements with the collector for the storing of such additional quantities. Such special arrangements shall include the following:
 - (a) The type of special bulk container to be furnished by the collector and as approved by the Borough.
 - (b) The number of such containers.
 - (c) The number of collection periods more frequent than weekly to be provided, which schedule of collections shall be approved by the Borough.
 - (d) The cost for providing any such special containers and the extra collection service; provided, however, such extra cost and such extra service shall be reasonable.
 - (2) Containers for collection shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings.
- F. Storage on other or special premises. Storage of municipal waste on other or special premises shall be subject to the same provisions as provided for commercial, institutional and industrial properties in § 234-3E.

§ 234-4. Collection of municipal waste.

All municipal waste generated or produced within the limits of the Borough shall be collected in accordance with the following provisions:

- A. Residential collections (door-to-door). Collections of municipal waste from residential properties shall be made by the collector not less than one time each calendar week, except where conditions beyond the control of the collector prevent such collection.
- B. Commercial and institutional collections. Collections of municipal waste shall be made at least once each week from commercial and institutional properties and in accordance with the provisions of § 234-3E.
- C. Industrial and manufacturing collections. Collection of municipal waste shall be made at least once each week from industrial and manufacturing properties and in accordance with the provisions of § 234-3E.

- D. Private disposal and collection. Any person disposing of his own refuse shall provide for collection at intervals short enough to prevent accumulations of solid waste that may be unsafe, unsightly, or potentially harmful to the public health.

§ 234-5. Prohibitions.

- A. No person shall place or dispose of any municipal waste in or about any street, sidewalk, alley, roadway, highway or other public area or property or in or upon any private property within the Borough, whether owned by such person or not, except in proper containers or adjacent to such containers where the waste is of such size or shape as to prevent it from being placed in such containers. No person shall place or deposit or cause to be placed or deposited any municipal waste in any river, stream or other body of water in the Borough.
- B. Any unauthorized accumulation of municipal waste on any premises within the Borough is hereby declared to be a public nuisance and may be abated as a public nuisance.
- C. No person shall cast, place, sweep or deposit anywhere within the Borough any municipal waste in such manner that it may be carried or deposited by the elements, animals or persons upon any street, sidewalk, alley, roadway, highway or other public area of property with the Borough.
- D. No person shall haul, transport or convey municipal waste in an open uncovered vehicle in the Borough; provided prior permission by the Borough may be given in the event of an emergency situation or in the case of ruffraff.
- E. No person shall ignite or feed an open fire or cause, suffer, allow or permit the maintenance of any open fire for the destruction of municipal waste or in the conduct of a salvage operation in any public or private place within the Borough outside of any building.

§ 234-6. Rules and regulations.

The Borough is hereby empowered to adopt by resolution such rules and regulations as it shall hereafter deem necessary and convenient for the administration of this chapter and which may concern and amplify all provisions of this chapter. A violation of such rules and regulations shall be subject to the same penalties as a violation of this chapter.

§ 234-7. Violations and penalties.

- A. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall

constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County.

- B. Whenever any person shall have been notified in writing that such person is violating this chapter, each two-day period that such person shall continue to so violate this chapter after receipt of such notification shall constitute a separate offense punishable

by fine or imprisonment or both, upon conviction thereof, without the necessity of filing a separate complaint.

§ 234-8. Exceptions.

No hazardous waste shall be stored, collected, transported, processed or disposed of under the terms of this chapter, nor is this chapter intended to apply to anything but the storage, collection, transportation, processing and disposal of municipal waste, including ashes, garbage, rubbish and other similar refuse materials.

§ 234-9. Amendments.

This chapter or any part thereof may be amended from time to time in accordance with the procedures established by law.

