

CHAPTER XX

SOLID WASTE

Part 1

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Part 1

Collection and Storage of Solid Waste

§101. Short Title. This Part shall be known and may be cited as the "Municipal Solid Waste Ordinance of the Borough of Beech Creek." (Ord. 85-2, 12/6/1985, §1)

§102. Definitions. For the purpose of this Part 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 in 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 non-manufacturing or non-processing 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 wastes 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 - shall have the meaning defined and described in Pennsylvania's Solid Waste Management Act, Act No. 97, P.L. 380, approved July 7, 1980, 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, semi-solid 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, waste water 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.

PREMISES - any real property subject to the terms of this Part.

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

RESIDUAL WASTE - any garbage, refuse, other discarded material or other waste including solid, liquid, semi-solid, or contained gaseous materials, resulting from industrial, mining or agricultural water supply treatment facility, waste water 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." "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."

RIFFFRAFF - 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 buildings materials.

RUBBISH - all rags, paper, 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.

SOLID WASTE - any municipal waste, including solid, liquid, semi-solid 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 (1) 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.

(Ord. 85-2, 12/6/1985, §2)

§103. Preparation and Storage of Municipal Solid Waste.

1. General. The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create fire and other safety hazards, odors, unsightliness or public nuisance.

2. Storage. Any person accumulating or storing garbage on private or public property in the Borough of Beech Creek 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:

A. 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 thirty-two (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 twelve (12) hours prior to the scheduled garbage collection.

B. All containers shall be kept in a sanitary condition and in good repair. Any container that does not conform with this Part 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 the notice to the owner of such container from the Borough.

C. 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.

D. All municipal wastes which may be produced or accumulated shall be deposited daily in a proper container as herein provided.

E. 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.

3. 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.

A. Containers, other than bulk containers, shall be placed whenever possible at ground level and at a point on the curb line of the street or within no less than ten (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.

B. 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.

C. The exact location of the container shall facilitate removal of the contents by the collector. Access to such location shall 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 prevent 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.

D. 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.

4. 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:

A. 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.

B. Tree, brush, hedge, and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six (6) feet, and shall be bound securely in bundles not to exceed forty (40) pounds in weight before being deposited for collection.

C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six (6) feet in length and forty (40) pounds in weight before being deposited for collection.

D. 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.

E. Municipal waste refuse of a highly flammable or explosive nature, nor 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 Resources.

5. Storage on Commercial, Institutional and Industrial Properties.

A. Storage of municipal waste on commercial, institutional and industrial properties shall be in the same type of container as required in §103(2) except where the accumulation for each commercial, institutional or industrial property is in excess of an amount that can be stored in three (3) such containers for a period of one (1) 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:

(1) The type of special bulk container to be furnished by the collector and as approved by the Borough.

(2) The number of such containers.

(3) The number of collection periods more frequent than weekly to be provided, which schedule of collections shall be approved by the Borough.

(4) 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.

B. 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.

6. 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 §103(5).

(Ord. 85-2, 12/6/1985, §3)

§104. 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:

1. Residential Collections (Door-to-Door). Collections of municipal waste from residential properties shall be made by the collector not less than one (1) time each calendar week, except where conditions beyond the control of the collector prevent such collection.

2. 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 §103(5) of this Part.

3. Industrial and Manufacturing Collections. Collections of municipal waste shall be made at least once each week from industrial and manufacturing properties and in accordance with the provisions of §103(5) of this Part.

4. Collection from Other or Special Premises. Collection of municipal waste from other or special premises provided for in §103(6) of this Part shall be arranged for between the owner and/or occupant and the collector.

5. 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.

(Ord. 85-2, 12/6/1985, §4)

§105. Transportation of Municipal Waste. Any person transporting municipal waste within the Borough shall protect against or remedy any spillage from vehicles or containers used in the transport of such municipal waste. (Ord. 85-2, 12/6/1985, §5)

§106. Prohibitions.

1. 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.

2. 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.

3. 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 within the Borough.

4. 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.

5. 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.

(Ord. 85-2, 12/6/1985, §6)

§107. Authorization of Collectors. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough to collect or transport municipal waste of any nature (other than generated by themselves or their families) within or from the Borough. Authorization shall be given by the Borough only as set forth hereafter:

A. The Borough shall require any collector or private handler of municipal waste in the Borough to be licensed.

B. No person shall collect or remove municipal waste from premises within the Borough, or transport, haul or convey municipal waste through or upon any of the streets or alleys of the Borough, except as provided for herein.

C. Any person who may wish to engage in the business of collecting, transporting and/or hauling municipal waste within the Borough, shall, prior to engaging in such business, make application for and obtain (and while engaged in such business, hold and maintain) a solid waste collection license ("license") from the Borough. Each person desiring a license (the "applicant") shall meet the following qualifications before and during the period of the license:

(1) The applicant shall own or have under existing lease during the license period the equipment to be used for the collection, transportation and/or hauling of the municipal waste to be collected in the Borough. The pieces and types of equipment shall be sufficient in number, capacity and capability, in the judgment of the Borough, for the work contemplated under the license. The equipment to be used shall be non-leakable, easily loaded and covered and readily emptied, and shall be easily cleaned and preferably of the automatic packer type; all



such equipment shall be kept in a workable, clean and sanitary condition, with the necessary equipment aboard to immediately pick up and/or clean up any spills.

(2) The applicant shall agree to dispose of all municipal waste collected within the Borough at the disposal site designated by the Borough and in accordance with any then existing solid waste management plan of the Borough. In the absence of a designated site and/or such plan, applicant shall agree to dispose of all municipal waste collected in the Borough at the disposal site of or designated by the Clinton County Solid Waste Authority, if permitted by the Pennsylvania Department of Environmental Resources, so long as such municipal waste is acceptable to, and capable of being accepted by, the Authority at such site. In the event disposal at such site is not allowed or acceptable, disposal shall be made at such other site as is permitted by the Pennsylvania Department of Environmental Resources.

(3) The applicant shall have a valid dumping or tipping permit from the Clinton County Solid Waste Authority for a period equal to the period of such license, in accordance with the Clinton County Solid Waste Management Plan and any applicable rules and regulations established or as may be established by the Pennsylvania Department of Environmental Resources and the Authority.

(4) The applicant shall agree to comply with all present and future laws of the Commonwealth of Pennsylvania and the rules, regulations and standards of the Pennsylvania Department of Environmental Resources and of the Authority and Borough applicable to solid waste storage, collection, transportation, processing and disposal.

(5) The applicant shall agree to furnish sufficient personnel and other necessary equipment to perform and shall perform the work contemplated by the terms of the license and of this Part for the collection, transportation, removal and disposal of municipal waste and shall, if requested by the Borough, furnish a corporate surety bond or cash deposit of up to five thousand dollars (\$5,000.00) for complete and adequate performance of the applicant's obligations to do such work and to comply with the terms of this Part.

(6) The license of the Borough shall be issued by the Borough, upon approval by the Borough or its designated agent of an application therefore evidencing the applicant's ability to comply with the foregoing requirements, and to perform such municipal waste collection, transportation, removal and disposal services. The fee for such license issued on a calendar year basis shall be (\$ ) per year.

D. Applicants for a license must furnish the following information:

(1) The number of vehicles, the make, model, license plate number and size of packer body of each vehicle to be used for such municipal waste collection, transportation, removal and disposal.

(2) The location, address and telephone number of applicant's business office and the names and addresses of the corporate officers of the applicant.

(3) The applicant's permit from the Clinton County Solid Waste Authority.

(4) A certificate of insurance coverage providing complete third party comprehensive, bodily injury and property damage, and general liability insurance, with limits of not less than five hundred thousand dollars (\$500,000.00) for property damage and five hundred thousand dollars (\$500,000.00) for bodily injury, per occurrence.

(5) All such other information as the Borough may reasonably deem necessary for the issuance of a license.

E. Written applications for a license shall be submitted annually to the Beech Creek Borough Council. Upon review by the Council of the Borough of Beech Creek, the Borough shall issue such license. The license shall be for a period of one (1) calendar year next following the date thereof or the remaining portion of the existing calendar year, as may be requested. Any license may be revoked by the Borough at any time upon the failure of the licensee to furnish and provide for the collection, transportation, removal or disposal of municipal waste in accordance with the terms of this Part and any conditions under which the license was issued.

F. The license is non-assignable.

(Ord. 85-2, 12/6/1985, §7)

§108. Conditions Relating to Licenses.

1. The fee to be paid to the Borough for a license for a calendar year or any part thereof shall be paid upon receipt of the license.

2. No licensee shall use vehicles for the collection, transportation, removal, hauling and/or disposal of municipal waste within the Borough other than those vehicles listed on the application and as approved by the Borough on the license issued, except temporarily in emergency situations upon prior notice to the Borough. Any change in the list of vehicles as reported in the application shall be reported in writing to the Borough at least five (5) days prior to the date of such change.

3. Each licensee shall have his Authority numbered permit sticker displayed on the left side of the body of each vehicle to be used, within five (5) days after the license is issued or the vehicle is first used under the license.

4. Each licensee shall have painted on a door or on the side of the body of each vehicle to be so used the name of the licensee and his office telephone number, in letters of no less than two (2) inches in height and clearly legible. Each such vehicle used in the Borough shall be so marked within five (5) days after such license is issued or the vehicle is first used under the license.

5. The licensee shall maintain each vehicle used in the Borough in good operating condition to assure that the schedule of collections is maintained. The vehicles used shall be kept clean and not be a nuisance

themselves. The Borough shall have the right to inspect all vehicles included in a license prior to the issuance of the license and during the period the license is in effect to assure compliance with the provisions of this Part.

6. Each vehicle used shall be equipped with at least one (1) gallon of approved type disinfectant to be used as needed on streets, sidewalks, alleys, roadways and other such public areas in the Borough when municipal wastes are spilled during the collection, transportation, hauling, removal or disposal process.

7. Licensee shall be responsible for the means and manner in which their employees perform work pertaining to the collection, transportation, hauling, removal or disposal of municipal waste under the terms of this Part.

(Ord. 85-2, 12/6/1985, §8)

§109. Disposal Facilities.

1. No collector shall make use of any disposal facility with respect to the disposal of municipal waste collected, transported, removed or disposed of other than disposal facilities designated by the Borough from time to time; the Borough has designated the Authority's DER permitted disposal facilities or the Authority's designated DER permitted facilities as the disposal site for all municipal solid waste generated or produced in the Borough. Therefore, the collector shall dispose of all municipal waste generated or produced in the Borough and collected, transported, removed or disposed of by the collector at the DER permitted solid waste disposal facilities of the Authority or at other DER permitted solid waste facilities as designated from time to time by the Authority.

2. The use of the disposal facilities of the Authority as permitted by the DER or those other disposal facilities designated by the Authority, is hereby determined to be in the best interest of the Borough and in general it is determined to be desirable for the health and safety of the people of the Borough that the Borough use and cause all collectors to use the facilities of the Authority, specifically the DER permitted solid waste disposal facilities of the Authority, for the collection, transportation, removal and disposal of ashes, garbage, rubbish and other refuse materials and municipal solid waste, so long as such municipal waste is acceptable to, and capable of being accepted by, the Authority at such sites; in the event that disposal at such sites is not allowed or acceptable, disposal shall be made at such other site as is permitted by the Pennsylvania Department of Environmental Resources.

3. The collector shall pay all costs to be charged for the use of the designated disposal facilities.

(Ord. 85-2, 12/6/1985, §9)

§110. Exclusions.

1. Nothing contained herein shall be deemed to prohibit any person, not engaged in the business of hauling municipal waste for profit, from hauling such municipal waste on an irregular and unscheduled basis, to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

2. Nothing contained in this Part shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm produced agricultural wastes.

(Ord. 85-2, 12/6/1985, §10)

§111. 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 Part and which may concern and amplify all provisions of this Part. A violation of such rules and regulations shall be subject to the same penalties as a violation of this Part. (Ord. 85-2, 12/6/1985, §11)

§112. Violations and Penalties.

1. Any person violating any of the provisions of this Part shall, upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), together with costs of prosecution, or to be imprisoned for a period not to exceed ninety (90) days, or both.

2. Whenever any person shall have been notified in writing that such person is violating this Part, each two (2) day period that such person shall continue to so violate this Part 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.

(Ord. 85-2, 12/6/1985, §12)

§113. Exceptions. No hazardous waste shall be stored, collected, transported, processed or disposed of under the terms of this Part, nor is this Part 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. (Ord. 85-2, 12/6/1985, §14)