

SOLID WASTE ORDINANCE
CLINTONVILLE BOROUGH, VENANGO COUNTY, PENNSYLVANIA
ORDINANCE NO. 1-08

AN ORDINANCE OF THE BOROUGH OF CLINTONVILLE, VENANGO COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION OR IMPROPER DISPOSAL OF GARBAGE AND OTHER REFUSE MATERIALS UPON PROPERTY IN CLINTONVILLE BOROUGH; REQUIRING THAT ALL GARBAGE, RUBBISH AND OTHER REFUSE BE CONVEYED TO MUNICIPAL DISPOSAL FACILITIES DESIGNATED BY THE COUNTY; REGULATING THE STORAGE AND REMOVAL OF DOMESTIC WASTE, HOUSEHOLD WASTE, GARBAGE, MUNICIPAL WASTE, RESIDUAL WASTE, RUBBISH OR SOLID WASTE; PROVIDING FOR THE COLLECTION OF DOMESTIC WASTE, HOUSEHOLD WASTE, GARBAGE, MUNICIPAL WASTE, RESIDUAL WASTE, RUBBISH OR SOLID WASTE MATERIALS ONLY BY LICENSED COLLECTORS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, pursuant to the authority vested to the Municipality by the PA Solid Waste Management of 1980 (Act 97) and Act 101, the Borough of Clintonville desires to enact an Ordinance regulating the storage, collection, and disposal of rubbish, refuse and garbage within the Municipality.

NOW, THEREFORE, the Borough of Clintonville hereby enacts and ordains as follows:

SECTION 1 - SHORT TITLE - This Ordinance shall be known and referred to as the "Borough of Clintonville Solid Waste Ordinance".

SECTION 2 - DEFINITIONS - The following words and phrases as used in this Ordinance shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

Act 97 - The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

Act 101 - The Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (SE 528, Act 1988 - 101, July 18, 1988).

Bulky Waste - shall mean large items of soled waste including but not limited to appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.

Collector or Waste Hauler - shall mean any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of municipal waste.

Commercial Establishment - means any establishment engaged in non-manufacturing or non-processing business, including, but not limited to stores, markets, offices, restaurants, shopping centers and theaters.

Container - shall mean a portable device in which waste is held for storage and collection.

County Licensed Collector or Waste Hauler - shall mean any municipal waste collector or hauler possessing a valid license issued by the County pursuant to this Ordinance.

Department of DEP - shall mean the Pennsylvania Department of Environmental Protection.

Disposal - means the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in manner that the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Domestic Waste or Household Waste - means solid waste comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage - means any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances or odors, gases or vectors. For the purpose of this Ordinance the term "garbage" shall not include 1) the use or reasonable storage for use of animal waste and/or agricultural or horticultural practices; 2) the composting of leaves, grasses, brush and suitable food waste, providing said composting follows customary composting guidelines.

Hazardous Waste - waste determined to be hazardous by _____ DEP or EPA or other governmental agency.

Industrial Establishment - means any establishment engaged in manufacturing or production activities, including but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Establishment - shall mean any establishment or facility engaged in services, including but not limited to, hospitals, nursing homes, schools and universities.

Landfill - means a facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations, including but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include construction/demolition waste landfills or a facility for the land application of sewage sludge.

Licensed Collector or Licensed Waste Hauler - shall mean any municipal waste collector or hauler possessing a current, valid license.

Medical Waste - shall mean garbage or waste generated by a facility established primarily to provide health services by a licensed hospital, doctor, or other Pennsylvania health department, regulated professional or service provider.

Municipal Waste - means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or institutional water supply treatment plant or air pollution control facility. The term does not include any source-separated recyclable materials or material approved by the PA DEP for beneficial use.

Municipal Waste Landfill - Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the PA Department of Environmental Protection under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Municipality - shall mean the Borough of Clintonville, Venango County, Pennsylvania.

Person - means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, state institution or agency or any other legal entity recognized by law whether a Clintonville Borough resident or not as the subject of rights and duties in any provision of this Ordinance prescribing a fine, penalty, imprisonment 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.

Recycling - means the collection, separation, recovery and sale or reuse of metals, glass, papers, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Residual Waste - shall mean any garbage, refuse, other discarded material or other waste including solid, semisolid or contained gaseous material resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility or air pollution control facility provided it is not hazardous.

Rubbish - means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleaning. For the purpose of this Ordinance, the term "rubbish" shall

not include the customary use of coal, wood and cellulose ash for anti-skid and road maintenance, provided said ash is free of metals, cans or other unburned or partially burned waste.

Salvaging - the controlled removal of recycling of material from a solid waste processing or disposal facility.

Scavenging - shall mean the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

Solid Waste - any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

Storage - means the containment of any 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 waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Transportation - means the off-site removal of any domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste at any time after generation.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 3 - PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within Clintonville Borough, domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste bulky waste or to process and/or dispose of any solid waste except in accordance with Act 97 and Act 101, and Department Rules and Regulations adopted pursuant thereto or provisions hereunder.
2. It shall be unlawful for any person to collect, haul, transport or remove any domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste for public or private property within Clintonville Borough without a current, valid license to do so and a current valid contract with Clintonville Borough, except for any individual transporting municipal waste generated on their own private residence or property to a County designated processing or disposal facility.
3. It shall be unlawful for any person to scavenge any materials from any domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste that is stored or deposited for collection within Clintonville Borough without prior written approval from Clintonville Borough.

4. It shall be unlawful for person to salvage or reclaim any solid wastes within Clintonville Borough except at an approved and permitted resource recovery facility or municipal waste management facility under any applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
5. It shall be unlawful for any person to transport into Clintonville Borough any domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste collection or disposal.

SECTION 4 - STANDARDS FOR STORAGE OR SOLID WASTE

1. Storage of all domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste shall be in containers which prevent the attraction, harborage or breeding of insects or rodents, which are or may become harmful to public health, and which prevent the creation of safety hazards, odors, unsightliness or public nuisances and shall comply with the minimum standards for the storage of municipal waste as set forth in the Department's regulations.
2. Any person producing domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste shall provide a sufficient number of containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials herein.

SECTION 5 - STANDARDS AND REGULATIONS FOR COLLECTION

It shall be unlawful, and a violation of this Ordinance, for any person, other than the employees of Clintonville Borough or the contractor or collector having the exclusive right and contract with Clintonville Borough to collect domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste, to haul from the Borough any domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste as defined herein. However, any hauler, including the hauler having the exclusive contract to haul domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste as defined herein, may haul and dispose of outside the Borough other material as herein defined by the Ordinance, under a contract arrangement made directly between the hauler and the resident or commercial person of the Borough subject to the following:

- a. No person shall collect, remove, haul or convey domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste from the Borough of Clintonville or dispose of the same in a manner or place without authorization from Borough Council.
- b. No authorized collector shall make any change in the arrangements for disposal of domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste collected by him without first receiving the approval of the Clintonville Borough Council.

SECTION 6 - LICENSING REQUIREMENTS - No person shall collect, remove, haul, or transport any domestic waste, household waste, garbage, municipal waste, residual waste, rubbish or solid waste upon or through any streets or alleys of Clintonville Borough without first obtaining a license from the proper issuing authorities including but not limited to a contract with Clintonville Borough.

SECTION 7 - INJUNCTION POWERS - Clintonville Borough may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

SECTION 8 - PENALTIES - Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not more than \$500.00, or in default of payment of such fine, then by imprisonment for a period of not more than 30 days, or both. Each day of violation shall be considered a separate and distinct offense.

SECTION 9 - REGULATIONS - Clintonville Borough reserves the authority to adopt by regulation and/or resolution any procedures or provisions to implement and/or operation this Ordinance

SECTION 10 - SEPARABILITY - In the event that any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

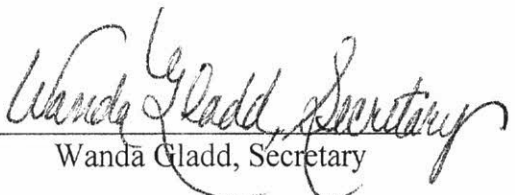
SECTION 11 - CONFLICT - Any Ordinance or any part of any Ordinance which conflict with this Ordinance are hereby repealed insofar as the same effects this Ordinance.

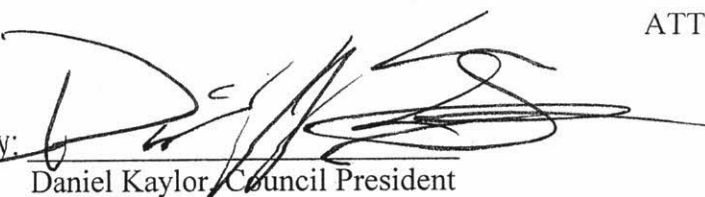
SECTION 12 - EFFECTIVE DATE - This Ordinance shall take effect five days following its adoption.

ENACTED AND ORDAINED into an Ordinance this 1st day of July, 2008.

CLINTONVILLE BOROUGH

By: 
James Bollinger, Mayor

ATTEST: 
Wanda Gladd, Secretary

By: 
Daniel Kaylor, Council President