

**CHAPTER 20**

**SOLID WASTE**

**Part 1**

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**Part 1**

**Collection and Disposal**

**§1. Definitions.**

The following words and terms as used herein shall have the meaning ascribed thereto, unless the context clearly indicates a different meaning:

**BULKY WASTE** — large items of refuse including, but not limited to, appliances, furniture, large auto parts, trees, branches and stumps.

**GARBAGE** — solid waste resulting from animal grain, fruit, or vegetable matter used or intended for use as food.

**HAULER** — any person, firm, co-partnership, association or corporation who has been licensed by the Municipality to collect, transport, and dispose of refuse for a fee as herein prescribed.

**HAZARDOUS WASTE** — solid waste with certain inherent dangers. This category includes, but is not limited to, chemicals, explosives, pathological wastes and radioactive materials.

**PERSON** — any natural person, association, partnership, firm or corporation.

**REFUSE** — all materials which are discarded as useless.

**RUBBISH** — all solid 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 cleanings.

**SOLID WASTE** — garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.

(Ord. 12-14, 12/14/1977, Definitions)

**§2. License Required to Haul Refuse; Restriction on Disposal.**

From and after the effective date of this Part 1, it shall be unlawful for any hauler to haul, transport, collect, remove and dispose of garbage, refuse, rubbish or bulky waste over the streets and alleys of said Municipality without first securing a license to do so from the Municipality. (Ord. 12-14, 12/14/1977, §1; as amended by Ord. 12-9-1987, 12/9/1987, §1)<sup>1</sup>

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<sup>1</sup> §13 of Ordinance 12-14 repealed all inconsistent ordinances and parts of ordinances.

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### **§3. License Fee; Revocation of License.**

Said license shall be issued annually by the Municipality at a fee of \$1. Any license issued pursuant to the provisions of this Part 1 shall be revocable by the Municipality upon failure of the licensee to comply with any of provisions of this Part 1 or with any regulations enacted by the Pennsylvania Department of Environmental Resources relating to the collection and disposal of garbage, refuse, bulky waste and other waste materials. Furthermore, the Municipality may revoke a license if any hauler is in default in payment to the Millersburg Disposal Company for a period in excess of 60 days. (Ord. 12-14, 12/14/1977, §2, as amended under Adopting Ordinance)

### **§4. Fee Schedule.**

Except as provided in Section 7 herein, all arrangements for the removal and collection of all waste materials shall be by private contract between the individual citizen and the licensed hauler, provided however, that the rate to be charged for collecting and hauling said waste materials shall not exceed a schedule of fees established by the Municipality. Said fee schedule may allow any licensed hauler to charge customers with cinders or ashes for collection up to \$1 or more per month than customers without said wastes. Furthermore, the fee schedule established by said Municipality shall not prohibit any hauler from charging additional fees for the collection of bulky wastes or quantities of waste above and beyond the usual amounts placed for collection by the customer. (Ord. 12-14, 12/14/1977, §3)

### **§5. Regulations for Haulers.**

All licensed haulers shall be required to comply with the following regulations:

- (a) 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.
- (b) Haulers must furnish to the Township or their appointees the phone number and hours during which the hauler may be contacted.
- (c) Trucks or other vehicles used for the transportation of garbage, rubbish, bulky waste and other refuse material shall be watertight with an enclosed cargo space. No truck shall be permitted to scatter any of the contents on any of the streets, highways, or alleys of the municipality. Trucks used to haul garbage, rubbish, and other refuse materials must be maintained in a clean and sanitary condition so as to present a satisfactory outward appearance and shall meet all requirements of the Department of Environmental Resources of the Commonwealth of Pennsylvania. The hauler shall maintain his equipment in such a condition as to be able to maintain his collection schedule.

(Ord. 12-14, 12/14/1977, §4)

**§6. Collection of Hazardous Wastes not Required.**

Notwithstanding any provision of this Part 1 to the contrary, no hauler or person shall be required to collect or transport hazardous waste including, but not limited to, caustic chemicals, explosives, pathological wastes and radioactive materials. (Ord. 12-14, 12/14/1977, §5)

**§7. Discontinuance of Service for Nonpayment; Removal of Accumulations.**

No licensed hauler shall be required to collect garbage, refuse, rubbish or bulky waste from any premises where the owners, occupiers, or lessees are in arrears for a period of 45 days. In the event any property owners, occupiers, or lessee allows fermenting, putrefying or odoriferous garbage, refuse or waste materials to accumulate on his property due to failure to pay collection fees or for any other reason, the Municipality may, at its option, remove said waste at the owner's expense and impose a fine against said owner under Section 12. (Ord. 12-14, 12/14/1977, §6)

**§8. Accumulations Prohibited.**

From and after the effective date of this Part 1 and for reasons of health, safety and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in said Municipality garbage, refuse, bulky waste and combustible or incombustible refuse or rubbish. All solid waste shall be stored, transported and disposed of only in accordance with this Part 1 and Pennsylvania Act No. 241 and regulations enacted by the Pennsylvania Department of Environmental Resources pursuant to said Act. (Ord. 12-14, 12/14/1977, §7)

**§9. Preparation of Refuse for Collection.**

Each person who contracts with a licensed hauler to collect and dispose of his garbage shall prepare the same as follows:

All garbage shall be drained of liquid insofar as practical and shall be placed in sanitary closed containers made of non-absorbent material. The same shall not exceed 30 gallons in size. Rust-resistant metal or plastic cans, or paper or plastic bags may be used provided they have been designated and constructed specifically for the home storage of solid waste. All refuse which cannot be disposed of in containers shall be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise, while awaiting collection. All refuse, except bulky waste, shall be of units which can be handled by one person and shall be placed in containers or piled and assembled in such a way as to facilitate collection. Except for

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bulky waste, no single bundle or container shall weigh more than 60 pounds. The same shall be placed within 15 feet of the public street, thoroughfare, accessway or alleyway where the hauler's vehicle will park to pick up the garbage, refuse, bulky waste and other materials to be collected or disposed of.

(Ord. 12-14, 12/14/1977, §8)

### **§10. Use of Landfill Required.**

[Repealed.] (Ord. 12-14, 12/14/1977, §9; repealed by Ord. 12-9-1987, 12/9/1987, §2)

### **§11. Dumps Prohibited.**

No person, firm or corporation shall use or permit to be used any spot or place within the Municipality as a public or private dump for garbage, refuse, bulky waste, rubbish or other waste material, except that any person may withhold cinders or ashes from collection for the purpose or use by private residents or the Municipality during the winter season for cindering streets or sidewalks within said Municipality. (Ord. 12-14, 12/14/1977, §10)

### **§12. Penalty for Violation.**

Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$300 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Each day's continuance of a violation of this Part 1 shall constitute a separate offense. (Ord. 12-14, 12/14/1977, §11, as amended under Adopting Ordinance)

### **§13. Severability.**

If any sentence, clause, or section or part of this Part 1 is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or part of this Part 1. It is hereby declared as the intent of the Municipality that this Part 1 would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not have been included herein. (Ord. 12-14, 12/14/1977, §12)