

MUNICIPAL WASTE MANAGEMENT

Chapter 76A

MUNICIPAL WASTE MANAGEMENT

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[HISTORY: Adopted by the Council of the City of Shamokin 6-13-83 as Ord. No. 288. Amendments noted where applicable.]

GENERAL REFERENCES

Culm, coal refuse or waste; strip mining - See Ch. 43.
Dumping and littering - See Ch. 47.

Be it ordained and enacted by the Council of the City of Shamokin, Pennsylvania and it is hereby ordained and enacted by the authority of the same:

§ 76A-1. Title.

This ordinance shall be known as the "Municipal Waste Management Ordinance."

§ 76A-2. Definitions. [Amended 3-12-1990]

The following words and phrases when used in this ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

ALUMINUM CANS - Empty all-aluminum beverage and food containers.

APPLICANT - A person desirous of being licensed as a collector.

BIMETAL CONTAINERS - Empty food or beverage containers consisting of steel and aluminum.

COLLECTOR - A person licensed by the municipality to collect, transport and dispose of municipal waste.

COMMERCIAL ESTABLISHMENTS - Those properties used primarily for commercial or industrial purposes, and those multiple-dwelling residential buildings containing more than four (4) dwelling units.

COMMUNITY ACTIVITIES - Church, school, civic, service group, municipal functions and all other such functions.

CORRUGATED PAPER - Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DISPOSAL - The incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the municipal waste or a constituent of municipal waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

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DISPOSAL AREA - Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

FERROUS CONTAINERS - Empty steel or tin-coated steel food or beverage containers.

GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS - All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as "glass," excluding blue and flat glass and glass commonly known as "window glass" or "automotive glass" and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER - All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT - Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

LEAD ACID BATTERIES - Includes but is not limited to automotive, truck and industrial batteries that contain lead.

LEAF WASTE - Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

MAGAZINES AND PERIODICALS - Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

MULTIFAMILY HOUSING PROPERTIES - Any properties having four (4) or more dwelling units per structure.

MUNICIPAL ESTABLISHMENTS - Public facilities operated by Shamokin and other governmental and quasi-governmental authorities.

MUNICIPALITY - The City of Shamokin, Northumberland County, Pennsylvania.

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 and from community activities, except farm-produced manure, other agricultural waste and food-processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.¹

NEWSPAPER - The term used herein and deemed to include paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals, as well as all other paper products of any nature, are not considered "newspaper."

PERSON - Any individual, owners, lessees and occupants of a residence, commercial or institutional establishment, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

PLASTIC CONTAINERS - Empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

¹ Editor's Note: See 35 P.S. § 6018.101 et seq.

PROCESSING - Any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

RECYCLABLE MATERIALS - Those materials separated at the point of origin for the purpose of being recycled, including those materials listed in Act 101² and by the municipality to be recycled.

REFUSE - Garbage, rubbish and trade waste.

RESIDENTIAL DWELLING - Any occupied single or multifamily dwelling having up to four (4) dwelling units per structure for which the municipality provides municipal waste collection service.

STORAGE - The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.

TRANSPORTATION - The off-site removal of any municipal waste at any time after generation.

§ 76A-3. Dumping prohibited.

- A. It shall be unlawful for any person to store, dump, discard or deposit, or permit the storage, dumping, discarding or depositing of, any municipal waste upon the surface of the ground or underground within the jurisdictional limits of this municipality, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers.
- B. It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of this municipality.

² Editor's Note: See 53 P.S. § 4000.101 et seq.

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

§ 76A-4. Authorization to collect.

It shall be unlawful for any person other than such persons as are duly authorized by the municipality to collect and transport municipal waste of any nature within or from the municipality. Authorization shall be given only as set forth below.

§ 76A-5. Licensing; fees.

Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the municipality through the issuance of a license. All applications for licensing shall be reviewed by the municipality and shall be approved in accordance with the following criteria:

- A. Municipal solid waste collection licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this

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ordinance. The municipality reserves the right to disapprove any applications for license.

B. Applicants for a municipal waste collection license must furnish the following information:

- (1) The number of vehicles and the make, model, license plate number and size of the vehicle to be used for collection and hauling.
- (2) The location, address, hours of business and telephone number of the business office to receive calls from persons in the municipality who receive collection service.
- (3) A certificate of the applicant's workmen's compensation insurance as required by law.
- (4) A certificate of insurance coverage providing complete third-party comprehensive, bodily injury and property damage liability insurance, the limits of which shall not be less than one hundred thousand/three hundred thousand dollars (\$100,000./\$300,000.) for bodily injury and fifty thousand dollars (\$50,000.) for property damage.
- (5) In addition to the above, the applicant for a municipal waste collection license shall furnish all other information which the municipality may request and deem necessary prior to the issuance of a license.
- (6) A licensing fee of fifty dollars (\$50.) per vehicle used for collection and hauling shall be paid to the City of Shamokin by the applicant for a municipal waste collection license. This fee shall be paid annually.
[Added 8-13-1990]

C. Licenses shall be issued on a calendar-year basis, but may be revoked at anytime by the municipalities in accordance with the following:

- (1) Failure of the licensee to furnish and provide collection and disposal of refuse in accordance with the terms of this ordinance and the conditions under which the license was issued.

- (2) Failure of licensee to furnish and provide collection and disposal without creating a public nuisance or a health and safety hazard.
- (3) A written notice to the licensee within ninety (90) days prior to the date that such license is to be revoked as a result of the municipality's desire to have refuse collection and disposal performed under the terms of a contract or other methods so determined by the municipality for any reason deemed necessary and in the best interests of the municipality.

D. Conditions relating to municipal waste collection licenses:

- (1) Annual fee. The annual fee to be paid for a solid waste license shall be twenty-five dollars (\$25.) for each vehicle used in the collection and hauling of municipal waste. The license fee shall not be devisable or prorated. The fees shall be submitted with the application for such license. Payment shall be made by check only and made payable to the municipality. The collection of the annual fee shall not be made until the municipality provides for a designated disposal facility as part of the implementation of its plan and program for said solid waste management. **[Amended 9-12-83]**
- (2) Number of vehicles. Persons receiving a municipal waste collection license shall not use more vehicles for the collection and hauling of municipal waste within the municipality than the number of vehicles listed on the application and approved on the license issued. Any change in the listed vehicles as reported in the application must be reported to the municipality at least five (5) days prior to the date such increased number of vehicles is to be used and the appropriate fee therefor paid to the municipality as provided for herein.

(3) Signs.

- (a) Licensees shall have the license number permanently displayed on the body of each vehicle in letters no less than two (2) inches in height, clearly legible and in the following manner: "Municipal Waste Collection No...." The

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license number shall be so marked on the vehicles within ten (10) days after such license is issued and the vehicles are used in the municipality.

- (b) The licensee shall permanently display on the doors or each side of the body of each vehicle the name of the firm and the telephone number of the firm's office or headquarters. The size of such lettering shall be no less than six (6) inches in height and clearly legible. Vehicles shall be so marked within ten (10) days after such licenses are issued and the vehicles are used in the municipality.
- (4) The licensee shall be responsible to maintain each vehicle used to perform work in the municipality in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean and painted so as to present a favorable appearance. The municipality shall have the right to inspect all vehicles prior to the issuance of a license and during the period the license is in effect.
- (5) Licensees shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of refuse under the terms of this ordinance.
- (6) The licensee shall be given notice, in writing, from the municipality at least ninety (90) days prior to the date that the licensees are to make use of disposal facilities designated by the municipality other than those used by the licensees at the time a license was issued.
- (7) The municipality shall inform the licensees of the location and other information pertaining to the disposal facilities designated by the municipality to be used by licensees for the disposal of refuse collected within the municipality.
- (8) The licensee shall pay all costs to be charged for the use of the disposal system and facilities.

- (9) The disposal system and facility designated by the municipality is determined by the municipality to be in the best interest of the municipality.
- (10) Each licensee shall provide recycling services to every customer in accordance with the regulations for the recycling program. **[Added 3-12-1990]**

§ 76A-6. Preparation and storage.

- A. The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harboring 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 nuisance.
- B. Any person accumulating or storing garbage on private or public property in the municipality for any purpose whatsoever (including waste being stored temporarily for door-to-door collection) shall place the same or cause the same to be placed in sanitary closed or covered containers 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, equipped with lids, waterproof and leakproof and, except in the case of bulk containers, shall not exceed twenty (20) gallons in capacity. Plastic trash bags, if not punctured, may be used to store municipal waste.
 - (2) 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.
- C. Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:

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- (1) All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers previously described, and all ashes shall be free of any burning material before being deposited for collection. Placement of plastic bags, if not punctured, is acceptable.
- (2) 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.
- (3) 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.
- (4) No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.
- (5) Municipal waste of a highly flammable or explosive nature or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the municipality.

§ 76A-7. Disposal.

- A. All municipal waste produced, collected and transported from within the jurisdictional limits of the municipality shall be disposed of only at state-permitted disposal facilities from the effective date of this ordinance and until the municipality provides for a designated disposal facility as part of the implementation of its plan and program for solid waste management, at which time all licensees shall utilize such designated facility for the disposal of municipal waste.

- B. It shall be unlawful for a licensed or authorized collector in the municipality to dispose of municipal waste collected within the municipality at a disposal facility other than those provided for in this ordinance.
- C. The disposal of bulky wastes, such as but not limited to refrigerators, stoves, other appliances, pieces of furniture, auto parts and other household goods and equipment may be performed by annual collection and in a manner to be designated by the municipality and advertised in a newspaper of general circulation.

§ 76A-8. Collection and collection charges. [Amended 3-12-1990]

All agreements for collection and marketing of recyclables shall be in accordance with the regulations for the recycling program.

§ 76A-9. Resource recovery program. [Amended 3-12-1990]

- A. Establishment of program. There is hereby established a program for the mandatory separation of recyclable materials from solid waste by all persons.
- B. Separation of recyclables and placement for disposal by persons residing in single-family dwellings or multifamily dwellings having four (4) dwelling units per structure.
 - (1) Recyclable materials from residential dwellings shall be placed at the curb or other designated place, separate from solid waste, for collection or taken to drop-off sites at such times, dates and places as may be herein established by regulation.
 - (2) Materials to be recycled are selected by the municipality, in the recycling program regulation, from the following: clear glass, colored glass, steel and bimetallic cans, office paper, newsprint, corrugated paper or plastic.

- C. Separation of recyclables by commercial, municipal and institutional establishments and at community activities.
- (1) Commercial, municipal and institutional establishments shall separate and store, until collection, high-grade office paper, corrugated paper, aluminum and other materials designated by the municipal regulations. These establishments must arrange for the transfer of the materials to a recycling system. The establishments shall annually provide to the municipality evidence of such arrangement and documentation of the total number of tons recycled.
 - (2) Recyclable materials designated by the municipality must be separated until collection at all community activities. Sponsoring organizations must arrange for the transfer of the materials to a recycling system.
- D. Separation of recyclables by multifamily housing properties and placement for disposal. The owner, landlord or an agent of an owner or landlord of multifamily housing properties of four (4) or more units shall establish a collection system for recyclables at each property. Materials to be separated are selected by the municipality in the recycling program regulations from the following: clear glass, colored glass, aluminum cans, steel and bimetallic cans, paper, newsprint, corrugated paper or plastic. The collection system must contain suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords shall not be liable for noncompliance of the occupants of their buildings.
- E. Lead acid batteries. No person may place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery, except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of the commonwealth.

- F. Separation and disposal of leaf waste. All persons who reside in residential dwellings and all persons who are responsible for administration of multifamily housing properties, commercial, municipal and institutional establishments who gather leaves shall source-separate all leaf waste from other waste and place it for collection at the times and in the manner therefor or hereafter prescribed by the municipality. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscape purposes.
- G. Collection by unauthorized person(s). It shall be a violation of this ordinance for any person(s), unauthorized by the municipality, to collect or pick up or cause to be collected or picked up any recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.
- H. Alternative collection of recyclable materials. Any person may donate or sell recyclable materials to individuals or organizations. These materials must be delivered to the individual's or organization's site, or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days by the municipality. Said individuals or organizations may not collect recyclable materials on or immediately preceding, by twenty-four (24) hours, a regularly scheduled curbside collection day.
- I. Delivery of recyclable materials to landfills or incinerators. It shall be a violation of this ordinance for the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal unless the markets for such materials no longer exist. The authorized collector will provide to the municipality the weight receipts of the recyclable materials.
- J. Franchise or license. The municipality may enter into agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable material from curbside or from drop-off collection points.

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§ 76A-10. Violations and penalties.

Any person violating any of the provisions of this ordinance shall be guilty of a summary offense and shall, upon conviction thereof before a District Magistrate of the county, be sentenced to pay a fine of not less than one hundred dollars (\$100.) and not more than one thousand dollars (\$1,000.), together with the costs of prosecution, or to undergo imprisonment in the county jail for a period of not more than thirty (30) days. Every violator of the provisions of this ordinance shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

§ 76A-11. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

§ 76A-12. Ordinance subject to other laws.

This ordinance shall be subject to all applicable federal, state and local laws, ordinances, rules and regulations as set forth by the Department of Environmental Resources, Commonwealth of Pennsylvania.

§ 76A-13. Amendments.

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

§ 76A-14. Effective date.

This ordinance shall become effective on the 13th day of June 1983.