

Chapter 20

Solid Waste

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Part 1**Garbage Collection Fees****§20-101. Definitions.**

The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

Garbage - all table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use or which are for any reason discarded.

Rubbish - all paper, straw, grass, leaves, wood, excelsior, rags, rubber, shoes, discarded furniture and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

Ashes - all discarded articles or materials, furniture and objects of all kinds; excepting, however, sewage, liquid waste, garbage and combustible refuse.

Refuse - garbage, ashes and rubbish as herein defined.

Person - a natural person, firm, co-partnership, association or corporation.

Residential households - a dwelling or apartment unit occupied by a family, an individual, or two or more individuals residing together.

(Ord. 78-2, 12/21/1978, §I)

§20-102. Administration.

1. All refuse accumulated by residential households in the Borough shall be collected, conveyed and disposed of by the Borough. The cost of such service shall be paid as provided in the schedule of fees set forth in §20-105 by the owner of the real estate housing one or more residential households producing the refuse, or responsible for the existence or disposal thereof, or for whom such refuse is removed. No person, other than a private collector licensed as such by the Borough as hereinafter provided, shall collect, convey over any of the streets or alleys of the Borough, or dispose of any refuse accumulated in the Borough. However, this Part shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse, if such producers or owners comply with all regulations for collection, conveyance and disposal prescribed in this Part or made by Council. Collectors of refuse from outside of the Borough shall have the right to haul such refuse over Borough streets, if such collectors comply with the provisions of this Section as to their equipment and vehicles, the operation of such equipment and vehicles and also as to the disposal of such refuse.

2. The producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, and persons who desire to dispose of waste material not included in the definition of refuse, private collectors and collectors of refuse from outside of the Borough who desire to haul over the streets of the Borough, shall use a covered vehicle and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.

(Ord. 78-2, 12/21/1978, §II)

§20-103. Precollection Practices.

1. *Preparation of Refuse.*

A. All garbage, before being placed in garbage cans for collection, shall have drained from it all free liquids and must be wrapped in paper.

B. All rubbish shall be drained of liquid before being deposited for collection. Newspapers shall be securely tied in small bundles.

C. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.

D. Tree trimmings, hedge clippings and similar material shall be cut to lengths not to exceed four feet and securely tied in bundles not more than 2 feet thick before being deposited for collection.

2. *Refuse Containers.*

A. (1) Garbage receptacles shall be made of metal, plastic or other durable material, must be watertight, provided with a tight-fitting cover and with a handle or handles.

(2) No person shall use for the reception of refuse any receptacle having the capacity of more than 30 gallons. [Ord. 2006-1]

(3) Cartons containing paper or combustible material shall be securely tied.

(4) All receptacles shall be kept as sanitary as possible in view of the use to which they are put, and shall be thoroughly cleansed by the occupant after refuse is removed by the collector.

(5) Rubbish receptacles shall be of a suitable kind, which can be easily handled by one man.

B. All refuse receptacles shall be provided by the owner or occupant of the residential households.

C. All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this Part or that may have jagged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. Failure to comply may result in refusal to collect or the removal of the defective receptacle as refuse.

3. *Storing of Refuse.*

A. No person shall place any refuse in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the Borough unless it is in proper receptacles for collection or under an express approval granted by Council. No person shall throw or deposit any refuse in any stream or other body of water.

B. Any unauthorized and unreasonable accumulation of refuse on any premises is declared to be a nuisance and a violation of this Part.

C. No person, other than the Borough, the occupants of the premises on which refuse receptacles are stored or a licensed private collector shall remove the covers

or any of the contents of refuse receptacles.

4. *Points of Collection.* Refuse receptacles shall be placed for collection at road level on the property, not within the right-of-way of a street or alley, and accessible to and not more than 10 feet from the side of the street or alley from which collection is made.

(Ord. 78-2, 12/21/1978, §III; as amended by Ord. 2006-1, 12/6/2006)

§20-104. Collection Practices.

1. *Frequency of Collection.* Refuse will be collected on such days as shall be designated by Council.

2. *Limitation on Quantity.* It is the intent of this Part that the reasonable accumulation of refuse of each residential household for the collection period will be collected for the standard charge. Council may refuse to collect unreasonable amounts or it may designate an additional charge for such amounts.

3. *Special Refuse Problems.*

A. *Contagious Disease Refuse.* Wearing apparel, bedding or other refuse from residential households where highly infectious or contagious diseases have prevailed, shall not be placed in containers for regular collections.

B. *Inflammable or Explosive Refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the mayor at the expense of the owner or possessor thereof.

(Ord. 78-2, 12/21/1978, §IV)

§20-105. Schedule of Fees; Enforcement.

1. *Fees.* The fees for the collection and disposal of refuse placed for collection at road level and not more than 10 feet distant from the side of the street or alley from which collection is made shall be as follows:

A. For each residential household, \$330 per year for the year 2006, and thereafter at such yearly fee as the Borough Council from year to year shall fix by resolution. [Ord. 2006-1]

[Ord. 2006-1]

2. *Discount for Prompt Payment; Quarterly Payment Rate.* All annual fees of this Section shall be subject to a discount of 2% if paid within 60 days from the date of billing. All fees may be paid quarterly at ¼ of the annual rate, but such payment shall not be subject to a discount.

3. *Delinquent Accounts; Interest; Suspension of Service; Collection.*

A. All accounts shall be considered delinquent if not paid by June 1 of each year; and every account paid after said day shall be assessed an additional 40% of the current rate as a delinquent penalty. Said penalty will be charged against the account and shall be the responsibility of the property owner. [Ord. 93-5]

B. Service to persons or premises for which the account is delinquent shall be subject to suspension or termination, without notice, upon direction of Council. Such service shall not be resumed unless and until Council directs such resumption

or until all accumulated service charges, accounts and penalties relating thereto shall be fully paid or acceptable arrangements made for the payment thereof. Suspension or termination of services as aforesaid shall be in addition to and not prejudicial to the right of the Borough to enforce collection of charges, accounts and penalties by legal action and by such other methods or in such manner authorized and permitted by law for the collection of municipal claims.

4. Whenever refuse collection from residential households begins after the first day or terminated before the last day of any year, the refuse collection charge for such property for such year shall be apportioned and computed on a monthly basis, and not subject to discount.

(*Ord. 78-2, 12/21/1978, §V; as amended by Ord. 82-1, 1/4/1982, §§1, 2; by Ord. 83-1, --/1983, §1; by Ord. 89-2, 1/4/1989, §1; by Ord. 93-5, 12/29/1993, §1; and by Ord. 2006-1, 12/6/2006*)

§20-106. Private Refuse Collector's License; Revocation; Fee.

1. The Borough Treasurer is authorized to issue annually a refuse collector's license to a responsible person or persons, subject to the approval of Council. Such licensed collectors shall be required to comply with all the collection, transportation and disposal provisions of this Part. Council may, after reasonable warning, revoke the license of any collector failing to comply herewith.

2. The fee for such license shall be in an amount as established from time to time by resolution of Borough Council. [*Ord. 2006-1*]

(*Ord. 78-2, 12/21/1978, VI; as amended by Ord. 2006-1, 12/6/2006*)

§20-107. Penalty.

Any person, firm or corporation who shall violate any provision of the Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. After 2 days written notice, each day's neglect to comply with the provisions of this Part or any such regulation shall be deemed a separate offense and be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first violation.

(*Ord. 78-2, 12/21/1978, §VII; as amended by Ord. 2006-1, 12/6/2006*)

Part 2**Municipal Solid Waste****§20-201. Title.**

This Part shall be known as the “Borough of Glendon Municipal Solid Waste Ordinance.”

(*Ord. 86-1, 3/5/1986, §I*)

§20-202. Definitions.

1. The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

Applicant - a person desirous of being authorized as a collector.

Borough - Borough of Glendon, Northampton County, Pennsylvania.

Collector - a person authorized to collect, transport, and dispose of municipal waste from Borough of Glendon.

Commercial establishment - any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

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 waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Disposal site - any site, facility, location, area, or premises to be used for the disposal of municipal waste.

Garbage - all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking, and serving of foods.

Industrial establishment - any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

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

Management - the entire process or any part thereof, of storage, collection, transportation, processing, treatment, and disposal of municipal waste by any person engaging in such process.

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 and from community activities and any sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, State institution and agency, or any other legal entity whatsoever which is recognized by law as being subject to the rights and duties of a person. In any provision of this Part prescribing a fine, imprisonment or penalty, 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.

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

Regular - at least three or more times per month.

Refuse - the collective term applying to all garbage, rubbish, ashes, leaves, and grass trimmings from residential, municipal, commercial, or institutional premises.

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

Storage - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and 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 waste generated or present within the Borough of Glendon.

2. Words and phrases set forth in §103, Solid Waste Management Act, No. 97, 35 P.S. §6018.101 *et seq.*, when used in this Part, shall have the meanings given in said Act insofar as they are not inconsistent with the definitions contained herein.

(Ord. 86-1, 3/5/1986, §II)

§20-203. Storage of Municipal Waste.

1. *General.* It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the Borough of Glendon where municipal waste is produced and is accumulated, by his own expense and cost to provide and keep at all times, a sufficient number of containers to hold all municipal waste which may accumulate during the intervals between collection of such municipal waste by an authorized collector.

2. *Storage on Residential Properties.*

A. *Containers.* All municipal waste accumulated by owners of each residential property and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, water tight, and made of metal or plastic. Securely tied plastic bags may be used in cases where such bags can be used without being torn open by domestic or wild animals. The size of each such container shall not exceed a 30-gallon capacity. However, large containers designed for use with special hoisting equipment may be used if the collector serving the residence uses collection vehicles with such special hoisting equipment.

B. *Location of Containers.* Each municipal waste container shall be located so as to be accessible to the collector at ground level and at a point on the curb line of the street, or within 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 discontinuance of service.

3. *Storage of Commercial, Institutional and Industrial Properties.*

A. *Containers.* Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers as are required for residential properties except that containers larger than 30 gallons may be used, where needed, to accommodate larger volumes of municipal wastes. Such containers shall be kept in good working order.

B. *Location of Containers.* Containers for collection at commercial, institutional and industrial properties shall be located on such premises at a place which shall not interfere with public or private sidewalks, driveways, roads, streets, highways or entrances and exits or public or private buildings.

(Ord. 86-1, 3/5/1986, §III)

§20-204. Authorization of Collectors.

1. *Unauthorized Collection and Transportation.* It shall be unlawful for any person other than such persons as are duly authorized by the Borough of Glendon, to collect and transport solid waste of any nature as a regular hauling business within or from the Borough of Glendon. Authorization shall be given only as set forth below.

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

A. *Eligible Persons.* 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 Part. The Borough of Glendon reserves the right to disapprove any application for license.

B. *Application Procedure.* Applicants for a municipal solid waste collection license must furnish the following information:

(1) The make, model, license plate number, and size of each vehicle to be used for collection and transportation.

(2) The location, address, and telephone number of the business office of the applicant.

(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 for bodily injury and for property damage shall be as Borough from time to time shall determine.

(5) Any other information which the Borough of Glendon may request and

deem necessary prior to the issuance of a license.

C. *Issuance.* Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Borough of Glendon for failure to comply with the provisions of this Part.

D. *Fees.* Fees for Licenses shall be set by the Borough from time to time and the amount thereof shall be provided to any applicant or other person upon request.

E. *License and Capacity.* Each vehicle must prominently display the name and number of the licensee and the cubic yard capacity of the vehicle's body.

(Ord. 86-1, 3/5/1986, §IV)

§20-205. Transportation of Solid Waste.

1. *Prevention of Spillage.* Any person transporting solid waste within the Borough of Glendon shall prevent or remedy and remove any spillage from vehicles or containers used in the transport of such solid waste.

(Ord. 86-1, 3/5/1986, §V)

§20-206. Disposal of Municipal Waste.

1. *Designated Facilities.* All municipal waste produced, collected, and transported from within the jurisdictional limits of the Borough of Glendon shall be, to the extent permitted by law, disposed of at disposal facilities designated by the Borough and in accordance with any currently effective solid waste management plan of the Borough. In the absence of such designated facilities and/or such currently effective solid waste management plan, municipal waste from the Borough must be disposed of at a State-permitted facility.

2. *Notice to Collectors.* If the Borough designates the disposal facilities as provided for above all authorized collectors and other interested persons shall be informed of the location and other information pertaining to the designated disposal facilities to be used for the disposal of municipal waste collected, transported, removed, and disposed.

(Ord. 86-1, 3/5/1986, §VI)

§20-207. Exclusions.

1. *Individuals Not Engaged in Collection.* Nothing contained herein shall be deemed to prohibit any residential property occupant not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to a State-permitted disposal facility.

2. *Farming Activities.* Nothing contained herein 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 waste.

3. *Hazardous and Residual Waste.* The provisions of this Part do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply, therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

(Ord. 86-1, 3/5/1986, §VII)

§20-208. Penalties and Remedies.

1. Any person, firm or corporation who shall violate any provision of the Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2006-1]

2. *Additional Remedies.* In addition to the foregoing penalty, the Borough may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove such solid waste after 10 days following written notice, the Borough may cause the solid waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law.

3. *Abatement.* The imposition of the penalties herein prescribed shall not preclude the Borough from instituting appropriate actions or proceedings to prevent the violation of this Part, to restrain, correct or abate any such violation, or to prevent any act, conduct, business or activity constituting a violation.

(Ord. 86-1, 3/5/1986, §VIII; as amended by Ord. 2006-1, 12/6/2006)

