

CHAPTER 20

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Part 1

Packing Garbage and Refuse for Collection and Disposal

§20-101. Refuse Containers.

1. All reuseable garbage and refuse containers shall be made of metal or other rigid material, must be watertight and be provided with a tight fitting cover. All nonreuseable garbage and refuse containers shall be of polyolefin plastic material or better, formed in the shape of a bag and will be no larger in girth and 90 inches.
2. No person shall use for the reception of garbage and rubbish any receptacle having the capacity of more than 50 gallons.
3. All reuseable garbage and rubbish 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 owner or user after garbage and rubbish are removed by the collector.
4. Ash receptacles shall be of metal and have a capacity of not more than 20 gallons.
5. All loose papers shall be placed inside containers, and all newspapers and magazines shall be tied together securely before being placed outside for collection.
6. No person shall use for the receipt of refuse any receptacle weighing more than 50 pounds when filled.
7. All containers shall be removed from the Borough right-of-way within 24 hours after collection. [*Ord. 428*]

(*Ord. 321, 8/24/1976, §404.1; as amended by Ord. 428, 7/2/2001*)

§20-102. Scavenging.

No person shall engage in the act of scavenging, as defined, at any place within the limits of the Borough of Rutledge at any time, without obtaining a permit from the Borough Secretary. The permit shall be for a period of 2 months and there will be a fee charged for said permit in the amount as established from time to time by resolution of Borough Council.

(*Ord. 321, 8/24/1976, §404.2; as amended by Ord. 428, 7/2/2001*)

§20-103. Penalties.

Any person who shall violate any provision of this Part, or causing or helping others to violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine

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not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 321, 8/24/1976, §404.3; as amended by Ord. 374, 7/1/1988; and by Ord. 428, 7/2/2001)

Part 2

Disposal of Municipal Solid Waste

§20-201. Definitions.

1. The following definitions shall apply in the interpretation and enforcement of this Part:

COLLECTOR - any person or entity collecting or transporting municipal solid waste for owners or occupants of property in the Borough including, the Borough itself if it undertakes the collection of municipal solid waste directly, and any business or institution within the Borough which generates municipal solid waste and uses its own employees and equipment for the collection and transport of the waste.

MUNICIPAL SOLID WASTE - any garbage, refuse, industrial lunchroom or office waste and other material including solid or semisolid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of "Municipal Solid Waste" as set forth in the Act and which the County, Authority or contractor by its ordinance or regulations is willing to accept at the plant, but excluding (1) any liquid waste or sludge; (2) all wastes which are defined by existing or future Federal or State law or regulations as hazardous waste or industrial residual waste; (3) any waste which may be marketable and which is intentionally segregated for purposes of recycling; and, (4) materials specifically excluded under applicable County ordinances.

CONTRACTOR - one or more contractors with whom the County or Authority contracts for construction and operation of the proposed resource recovery plant or plants, or other solid waste facilities.

MUNICIPALITY - the Borough of Rutledge, Delaware County, Pennsylvania.

PERSON - any individual, partnership, association, corporation or governmental entity, with the exception of the County, Authority or designated contractor.

SOLID WASTE FACILITY - any site owned and operated by the County, the Authority or its designated contractor for the purpose of transfer, processing or disposal of municipal solid waste, including landfills, resource recovery plants and transfer stations.

PLANT - the energy and/or material recovery facility or facilities, transfer station or solid waste plants owned by the County or Authority or proposed by the contractor including all associated property and equipment.

2. Certain terms used herein are also defined in the recitals hereto.

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(Ord. 368, 12/7/1987, §1)

§20-202. Prohibitions.

It is hereby declared to be unlawful and a public nuisance for any person to accumulate upon any property in the Borough any municipal solid waste or to dispose of it except in accordance with this Part and other applicable laws, ordinances or regulations.

(Ord. 368, 12/7/1987, §2)

§20-203. County/Authority Operations and Charges.

The Borough has been advised by the County that the Solid Waste Plan proposes to provide for plants which will be operated efficiently and economically by the contractor and/or by the County and in accordance with all applicable laws and regulations, and also that the contractor and/or the County will impose reasonable charges, which will be uniform among all classes of users of the plant or plants.

(Ord. 368, 12/7/1987, §3)

§20-204. Operations by Licensed Collectors.

Except as it pertains to municipal solid waste collected directly by the Borough, all collectors of municipal solid waste generated within the Borough shall be licensed by the Borough and shall be responsible for collecting municipal solid waste from properties in the Borough pursuant to a contract between them and the Borough and/or contracts between them and the owners or occupants of properties.

(Ord. 368, 12/7/1987, §4)

§20-205. Disposal at Designated Site.

All collectors shall deliver and dispose of all municipal solid waste collected within the Borough at the solid waste plant designated by the County subject to such reasonable regulations for the operations thereof as may be established by the County, and/or contractor. Delivery and disposal at any other place shall be a violation of this Part and cause for revocation of the collector's license, except in special circumstances approved in advance by the Borough and the County and/or contractor. All collectors shall comply in their operations with the regulations of the Borough and with all applicable laws, ordinances and regulations pertaining to the collection and transportation of municipal solid wastes.

(Ord. 368, 12/7/1987, §5)

§20-206. Private Dumps, Transfer Stations and Landfills Prohibited.

No person shall use or permit to be used any property owned or occupied by him with the Borough as a public or private dump, transfer station or landfill for municipal solid waste, whether generated with the Borough or elsewhere without the express, written approval of the Borough.

(Ord. 368, 12/7/1987, §6)

§20-207. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day a violation of this Part continues shall constitute a separate offense.

(Ord. 368, 12/7/1987, §7)

§20-208. Abatement of Nuisance.

In addition to the remedies provided in §20-207, any continued violation of this Part or otherwise which shall constitute a nuisance in fact, or which in the opinion of the Borough Council shall constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(Ord. 368, 12/7/1987, §8)

§20-209. Regulations.

The collection of municipal solid waste in the Borough and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Borough including, but not limited to, regulations as to the form of license application, the fee to be charged for the license, and terms of licenses and license issuance procedures; provided, however, that no such rules and regulations shall be contrary to the provisions of this Part, the County Solid Waste Plan or applicable laws.

(Ord. 368, 12/7/1987, §9)

§20-210. Amendments; Contract.

The Borough reserves the right to amend this Part or repeal it at any time; provided, however, that the requirement for use of the designated solid waste facility for disposal of municipal solid waste from the Borough shall not be amended or repealed without the

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prior express written approval of the County during the term of the contract between the County (or Authority) and contractor providing for the construction and operation of the plant which contract shall have a term of 25 years. For the purposes of securing the contractor's financing, such requirement shall be deemed to be a contract between the County, the contractor and the Borough, which Borough (subject to the terms and joint cooperation agreement set forth below) agrees to enforce so that the municipal solid waste from the Borough will be available to provide a source of energy for the plant. If the Borough is not now a collector but in the future it becomes a collector it agrees to deliver all municipal solid waste so collected to the plant.

(*Ord. 368, 12/7/1987, §10*)

§20-211. Joint Cooperation Agreement.

1. The Borough agrees to deliver or cause to be delivered during the term of this agreement all municipal solid waste, as defined herein, generated within the Borough for disposal at a facility designated by the County.
2. County agrees to accept for disposal all such municipal solid waste described in subsection (1), above, upon completion and commencement of operation of the plant in accordance with a contract, containing terms satisfactory to the County, with the contractor providing for construction and operation of the plant.
3. The term of this agreement shall be for a period of 25 years, and said term shall commence on the date when the County advises the Borough that the plant is operational. The Borough, at its option, may terminate this agreement with 30 days written notice to the County in the event that the Borough will incur substantial costs over and above the costs generally accepted by the other municipalities in delivering municipal solid waste to the County during the term of this agreement; provided, the Borough has first obtained final approval from the Pennsylvania Department of Environmental Protection for their own plan under the Act, or an approval from the Pennsylvania Department of Environmental Protection for a modification that brings the Borough under another plan that has already obtained final approval. It is understood, however, that (upon any such termination of this agreement by the Borough) the County, the Authority and/or the County's contractor shall be relieved of any responsibility to accept and dispose of municipal solid waste generated within the Borough. It is further understood that any such termination of this agreement by the Borough shall constitute a repeal, whether express or implied, of §20-112 of this Part. [*Ord. 428*]
4. The County shall hold harmless and defend the Borough from any suit, claim or action challenging the legality of this Part against the Borough. In the event that any such suit, claim or action is brought against the Borough, the Borough shall authorize the County, through its designated legal counsel, to defend against the same, and the Borough shall cooperate with the County in said defense and shall give the County Solicitor notice of any such suit, claim or action within 5 days of the Borough's receiving notice thereof.

(*Ord. 368, 12/7/1987, §11; as amended by Ord. 428, 7/2/2001*)

§20-212. Adoption of Solid Waste Management Plan.

1. The Pennsylvania Department of Environmental Protection has recommended that the requirements of the Solid Waste Management Act can best be accomplished on a County-wide basis. [*Ord. 428*]
2. The Borough, by formal resolution dated December 7, 1987, authorized the County to prepare the Solid Waste Management Plan on the Borough's behalf.
3. The County, through the staff of its Public Works Department, its Planning Commission and Charles M. Harris and Associates, Inc., Consulting Engineers, prepared a 10 year plan for solid waste management.
4. The appropriate municipal officials of the Borough have reviewed the findings and recommendations of the plan as it affects the Borough, have found the plan acceptable and have recommended that the plan be adopted.
5. The Borough, accordingly, hereby accepts and adopts the Solid Waste Management Study prepared by the County as the 10 year plan for solid waste management required by the Act.
6. The County is hereby authorized to submit the Plan to PaDER for the final approval on behalf of the Borough.

(*Ord. 368, 12/7/1987, §12; as amended by Ord. 428, 7/2/2001*)

Part 3
Recycling Program

§20-301. Recycling Program.

A recycling program is established for the mandatory preparing of recyclables from garbage and rubbish in the Borough.

(Ord. 358, 3/5/1985, §404.4.1)

§20-302. Definitions.

The following words are defined to have meanings as indicated below:

NEWSPAPER - paper of the type commonly referred to as newsprint and distributed as stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest, excluding magazines, periodicals and all other paper products of any nature.

RECYCLABLES - materials having an economic value in the secondary material market including aluminum cans and articles, bimetal cans, glass containers, corrugated paper such as cardboard and paper boxes, magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper and paper products not chemically coated.

(Ord. 358, 3/5/1985, §404.4.2)

§20-303. Separation of Recyclables.

Newspapers shall be kept separate and apart from other refuse and shall be collected by the Borough or its designated agent. Individual household units must separate and prepare for collection all newspapers by having them tied both across and lengthwise in an easy-to-manage bundle or by placing them in paper bags. All newspapers must be kept dry and must be placed either at the curbside to be collected at times designated by the Borough or placed in recycling shelters if so designated by the Borough.

(Ord. 358, 3/5/1985, §404.4.3)

§20-304. Unauthorized Collection.

From the time of the placement of any recyclables at the curbside or in recycling shelters as may be specified by the Borough for collection in accordance with this Part, such articles shall be the property of the Borough or its designated agent. It is unlawful for any person

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who is not a specifically designated agent of the Borough to collect, tamper with, cause to be collected or cause to be tampered with any such articles. Each incident of collection, tampering or causing of the same in violation of this Part from any location shall constitute a separate and distinct offense punishable as herein provided. The Borough will designate the day or days upon which recyclables shall be collected, removed and disposed of within the Borough.

(Ord. 358, 3/5/1985, §404.4.4)

§20-305. Other Prohibited Acts.

It shall be unlawful for any person to collect, remove or dispose of solid waste containing newspaper if the same is combined with any other form of solid waste.

(Ord. 358, 3/5/1985, §404.4.5)

§20-306. Violations and Penalties.

Any person who shall violate any provision of this Part, shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Notwithstanding any other provision of this Part, the maximum fine for failure to comply with §20-303, hereof, shall not exceed \$25 for the first offense and \$50 for any succeeding offense.

(Ord. 358, 3/5/1985, §404.4.6)

§20-307. Optional Disposal Methods.

Any resident may donate or sell used newspaper to any person, partnership, corporation or other entity whether operated for profit or not for profit at the discretion of the resident. Under no circumstances from any curbside in the Borough.

(Ord. 358, 3/5/1985, §404.4.7)