

CHAPTER 20

SOLID WASTE

Part 1

Regulation of Garbage Collection

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Part 1

Regulation of Garbage Collection

§101. Definitions. For the purpose of this Part, the following terms, phrases or words shall have the meanings described to them in this Section except where the context in which the word is used clearly indicates otherwise.

ASHES - residue from the burning of wood, coal, coke, paper or other combustible material.

BOROUGH - the Elizabethville Borough, Dauphin County, Pennsylvania.

BOROUGH COLLECTOR - that individual, partnership, firm, corporation or business entity designated by the Elizabethville Area Authority by means of an independent contract as the person having the exclusive right to collect refuse within the Borough, but shall not be construed as meaning that said person is an employee, official or representative of the Borough.

COMMERCIAL CUSTOMER - any multi-unit business center exceeding four (4) units, including agricultural, commercial, institutional or industrial firms.

COMMERCIAL ESTABLISHMENT - the use of any premises other than as a dwelling, and shall include hotels, boarding and lodging houses, tourist cabins, motels, and trailers.

CONSTRUCTION/DEMOLITION WASTE - solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to wood, plaster, metals, asphaltic substances, bricks, block and un-segregated concrete. The term does not include the following if they are separate from other waste and are used as clean fill:

- (1) Uncontaminated soil, rock, stone, gravel, brick and block, concrete and used asphalt.
- (2) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

[Ord. 328]

CONTAINER - the receptacle in which refuse is placed for collection, including cans, boxes and plastic bags, provided, however, that they are so constructed so as to be fit for permanent use, or in the case of bags, for one time use.

COUNTY - the County of Dauphin, Commonwealth of Pennsylvania.

DWELLING - a building used for residential purposes but shall not include hotels, boarding and lodging houses, tourist cabins, motels and trailers, that are considered commercial establishments.

DWELLING UNIT - one or more rooms in a dwelling, which room or rooms have fixed cooking facilities and are arranged for occupancy by one person, two or more persons living together or one family.

GARBAGE - all animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.

HAZARDOUS WASTE - any waste which by virtue of its quantity or content presents a hazard to the individuals handling it, a hazard to public health or source of potential pollution to the air or waters of the Commonwealth of Pennsylvania or which makes land unfit or undesirable for normal use; including, but not limited to, herbicides, explosives, pathological wastes, radioactive materials and any materials defined as hazardous wastes by Federal or State law or regulations.

MUNICIPAL WASTE - garbage, rubbish, ashes and 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 or from community activities. [Ord. 319]

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind.

RECYCLING - the collection, separation, recovery and sale or reuse of recyclable materials which would otherwise be disposed or processed as municipal waste.

RENTAL UNITS - any residential unit occupied by persons other the owners of the property on a lease basis.

RESIDENTIAL CUSTOMER - any customer, including multi-family dwelling units and mobile home parks, small business establishments, churches, municipal offices and such other places not fitting within the definition of commercial customer.

RUBBISH - all solid household wastes, except body wastes, other than garbage and ashes, such as magazines, glass other than containers, ceramics, plastics other than beverage-containers and laundry detergent containers, small scraps of wood, etc. [Ord. 319]

(Ord. 306, 12/11/2000, §1; as amended by Ord. 319, 12/13/2004, §1; and by Ord. 328, 7/14/2008, §1)

§102. Mandatory Municipal Waste and Construction/Debris Collection. It shall be mandatory for every rental unit, residential customer, commercial establishment and commercial customer to have all their municipal waste and construction/demolition waste collected by the Borough Collector. Each rental unit, commercial establishment, and residential and commercial customer shall have their municipal waste collected at least once per week or more often if necessary. The Borough Collector shall be used for construction/demolition waste, unless the said Collector does not have available the necessary receptacle, thereupon which the customer may utilize another waste collector. (Ord. 306, 12/11/2000, §2; as amended by Ord. 328, 7/14/2008, §2)

§103. Authorization of Authority. The Elizabethville Area Authority is hereby authorized as follows:

A. To award any contract to a reputable private hauler to be the exclusive Borough collector for the removal of municipal waste within the Borough as may be reasonable and beneficial to the Borough's citizens and in compliance with all laws of the Commonwealth of Pennsylvania.

B. To establish fair and uniform rates on a periodic basis as the Authority may determine which residents and owners of property within the Borough shall pay to the Authority for the removal of garbage including the establishment of classes or rates for commercial establishments, businesses, single-family dwellings, apartment houses and industries.

C. To bill customers on a monthly or quarterly basis on the same billing with customer's sewer account, if possible.

D. To promulgate such rules and regulations and to enter into such contracts and conduct such other business as may be necessary to effectively and efficiently regulate the collection of municipal waste within the Borough of Elizabethville.

(Ord. 306, 12/11/2000, §3)

§104. Preparation of Municipal Waste. Each person shall prepare his/her municipal waste as follows:

A. All municipal waste shall be drained of liquid insofar as practical and shall be placed in sanitary closed containers not exceeding thirty-two (32) gallons in size. Rust resistant metal or plastic garbage cans may be used provided they have been manufactured specifically for the home storage of solid waste. Plastic garbage bags may be used only if they are stored indoors, except that plastic garbage bags may be placed outside for collection after 6:00 p.m., in the evening before the scheduled trash removal. 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, animals or otherwise while awaiting collection. All refuse, except bulky waste, shall be placed in units which can be handled by one (1) person and shall be placed in containers or piled and assembled in such way to facilitate collection. Except for bulky waste, no single bundle or container shall weigh more than sixty (60) pounds. The same shall be placed within fifteen (15) feet of the public street thoroughfare, access or alleyway where the hauler's vehicle will park to pick up the municipal waste, garbage, refuse, bulky waste and other materials to be collected or disposed of. [Ord. 319]

(Ord. 306, 12/11/2000, §4; as amended by Ord. 319, 12/13/2004, §1)

§105. Collection by Unauthorized Personnel Unlawful. It shall be unlawful for any person other than the Borough Collector to collect and haul municipal waste, within or from the Borough. (Ord. 306, 12/11/2000, §5)

§106. Collection of Municipal Waste. All municipal waste shall be collected once a week at a time set by the Borough collector and approved by the Authority. It shall be unlawful for any person to allow any hazardous waste to be placed in any container used for municipal waste of any nature. (Ord. 306, 12/11/2000, §6)

§107. Maintenance of Containers Other than Bags. Containers shall be of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection. All containers shall be kept in good and sanitary condition without the accumulation of residue of liquids, solids or a combination of such material on the bottom or sides of the container. No more waste shall be allowed or permitted in garbage than naturally accommodates from table refuse. They shall not be overfilled so as to endanger fouling of highway from wind, jolting or other causes and shall be cleaned at sufficiently frequent intervals to prevent any nuisances from odors. Any container that does not conform with this Part or that is likely to injure the Borough collector or his employees or hamper the prompt collection of municipal waste shall be replaced upon notice. Failure to replace said defective container, may result in the loss of municipal waste collection until such time as the Container is replaced. (Ord. 306, 12/11/2000, §7)

§108. Fees for Collection and Disposal of Municipal Waste. The fees for collection and disposal of municipal waste shall be at a rate as established by a contract approved by the Authority with the Borough collector. Such fees shall be billed not less than quarterly. (Ord. 306, 12/11/2000, §8)

§109. Dumping or Storage Unlawfully. On and after the passage of this Part, it shall be unlawful at any place within the confines of the Borough to dump or deposit, except for collection, garbage, ashes, rubbish, debris or any other municipal waste of any nature per regulations of the County and the Department of Environmental Protection of the Commonwealth of Pennsylvania. In addition, all Federal, State and County regulations regarding the burning of waste materials are applicable as well. Further, no person shall deposit garbage, ashes, rubbish, debris or any other municipal waste of any nature into any container within the Borough not owned by such person, or not located on property owned or occupied by such person, without the consent of the owner of that container or the owner of that property as the case may be. (Ord. 306, 12/11/2000, §9)

§110. Penalties and Remedies.

1. Any person violating any of the provisions of this Part shall, upon conviction before a District Justice, be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution, and in default thereof to suffer imprisonment for not more than thirty (30) days. A separate offense shall be deemed committed on each period of ten (10) days during which a violation of this Part continues.

2. In addition to the foregoing penalty, the Borough may require the owner or occupier of the property to remove any accumulation of municipal waste and manifest the proper disposal thereof, and should said person fail to remove the same within ten (10) days of written notice, the Borough may cause the same to be done and collect the costs thereof, together with a penalty of ten percent (10%) of such costs in the manner provided by law for the collection of municipal lien claims or by action in assumpsit or may seek relief by bill in equity.

(Ord. 306, 12/11/2000, §10)