

CHAPTER 20

SOLID WASTE

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PART 1

SOLID WASTE REGULATIONS

§20-101. 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, copartnership, association or corporation who has been licensed by the Borough 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. 1-1978, 1/12/1978, Definitions)

§20-102. License Required; Place of Disposal.

From and after the effective date of this Part, 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 Borough without first securing a license to do so from the Borough. It is further required that, except as provided in §20-106 herein, any hauler licensed by said Borough shall dispose of any garbage, rubbish or bulky wastes or other waste materials which he collects in said Borough at the Millersburg Disposal Company's fully State-approved landfill facilities.

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(Ord. 1-1978, 1/12/1978, §1)

§20-103. Fee and Terms of License.

Said license shall be issued annually by the Borough at a fee in the amount as established from time to time by resolution of Borough Council. Any license issued pursuant to the provisions of this Part shall be revocable by the Borough upon failure of the licensee to comply with any of the provisions of this Part or with any regulations enacted by the Pennsylvania Department of Environmental Protection relating to the collection and disposal of garbage, refuse, bulky waste and other waste material. Furthermore, the Borough 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. 1-1978, 1/12/1978, §2; as amended by A.O.)

§20-104. Arrangements for Collection; Fee Schedule.

Except as provided in §20-107 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 Borough. Said fee schedule may allow any licensed hauler to charge customers with cinders or ashes for collection fee in an amount as established from time to time by resolution of Borough Council per month than customers without said wastes. Furthermore, the fee schedule established by said Borough 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. 1-1978, 1/12/1978, §3; as amended by A.O.)

§20-105. Regulations for Licensed 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 Borough 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 Borough. 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 Protection of the Commonwealth of Pennsylvania. The hauler shall maintain his equipment in such a condition as to be able to maintain his collection schedule. [A.O.]

(Ord. 1-1978, 1/12/1978, §4; as amended by A.O.)

§20-106. Collection of Hazardous Waste.

Notwithstanding any provision in this Part 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, sewage solids or liquids.

(Ord. 1-1978, 1/12/1978, §5)

§20-107. Collection from Persons in Arrears; Course of Action Reserved by Borough.

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 owner, occupier or lessee allows fermenting, putrifying 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 Borough may, at its option, remove said waste at the owner's expense and impose a fine against said owner under §20-111.

(Ord. 1-1978, 1/12/1978, §6)

§20-108. Unlawful Accumulation; Compliance with State Law.

From and after effective date of this Part, 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 Borough 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 and Pennsylvania Act No. 97 and regulations enacted by the Pennsylvania Department of Environmental Protection pursuant to said Act.

(Ord. 1-1978, 1/12/1978, §7; as amended by A.O.)

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§20-109. Preparation of Garbage 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 nonabsorbent material. The same shall not exceed 33 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 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. 1-1978, 1/12/1978, §8)

§20-110. Unlawful Disposal.

It shall be unlawful for any person within said Borough to dispose of garbage, rubbish, bulky waste or other refuse material at any place other than the Millersburg Disposal Company's Sanitary landfill facility. The purpose of this Section is to promote the health, safety and welfare of the citizens of said Borough and to fully comply with the requirements of Act 97 known as the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

(Ord. 1-1978, 1/12/1978, §9; as amended by A.O.)

§20-111. Exemption to Unlawful Accumulation.

No person, firm or corporation shall use or permit to be used any spot or place within the Borough 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 of use by private residents or the Borough during the winter season for cindering streets or sidewalks within said Borough.

(Ord. 1-1978, 1/12/1978, §10)

§20-112. Penalties.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions 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 a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1-1978, 1/12/1978, §11; as amended by A.O.

PART 2

RECYCLING REGULATIONS IN MYO PARK

§20-201. Definitions.

As used in this Part, the following terms shall have the meanings ascribed thereto as follows:

BOROUGH RESIDENTS — any individual whose permanent residence is within the geographical Borough limits of Millersburg Borough.

COMMERCIAL BUSINESSES — for the purposes of this Part, a commercial business is an individual, partnership or company who for a profit engages in a business of collecting and disposing of debris, including both recyclable and nonrecyclable items.

MYO PARK RECYCLING AREA — that area of MYO Park which has been established by the Borough Council as an area in which material may be placed for recycling. The area is marked with an appropriate sign.

(Ord. 3-1996, 8/8/1996, §1)

§20-202. Use of MYO Park Recycling Area.

1. Except as provided in subsection (3) below, the use of the MYO Park recycling area is hereby restricted to Borough residents only, during times and days that may be regulated by a properly approved motion of the Borough Council from time to time. Borough residents who desire to deposit materials at the MYO Park recycling area shall be required to obtain a permit from the Borough Manager or Secretary allowing restrictive dumping at the recycling area. The permit shall only be valid for the calendar year in which it is issued. The Council of the Borough may establish permit prices properly approved motion.
2. The MYO Park recycling area is restricted to the dumping of biodegradable materials only. The Borough Council, by approved motion, may regulate from time to time the type and amount of biodegradable materials that may be placed at the recycling area.
3. Commercial businesses are hereby prohibited from using the MYO Park recycling area, unless they have obtained a permit from the Borough Manager or Secretary allowing restrictive dumping at the recycling area. The regulations concerning the issuance and cost of a permit may be made upon the approval of a proper motion by the Borough Council, considering the best interest of the citizens of the Borough, and considering maximizing the use and life of the MYO Park recycling area. Any permit issued under this Section shall be valid only for the day in which

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it is issued. No materials from outside of the corporate limits of the Borough may be deposited in MYO Park.

(Ord. 3-1996, 8/8/1996, §2; as amended by Ord. 2-2001, 4/12/2001, §§I, II)

§20-203. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor 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 shall constitute a separate offense.

(Ord. 3-1996, 8/8/1996, §3; as amended by A.O.