

CHAPTER 20
SOLID WASTE

PART 1

COLLECTION, DISPOSAL AND RECYCLING

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ORDINANCE NO. 1073 – 2013

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, AMENDING PHILIPSBURG BOROUGH CODE CHAPTER 20 ENTITLED "SOLID WASTE" BY AMENDING THE REQUIREMENTS FOR LICENSING OF SOLID WASTE COLLECTORS.

BE IT ENACTED AND ORDAINED by the Philipsburg Borough Council, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: Part 1, Section 102, entitled "Definitions," of Chapter 20 of the Philipsburg Borough Code is hereby amended to provide a new definition for the term, COLLECTOR, as follows:

COLLECTOR – A person authorized by the County of Centre to collect, transport and dispose of municipal waste.

SECTION 2: Part 1, Section 106, entitled "Authorization of Collectors," of Chapter 20 of the Philipsburg Borough Code is hereby amended by replacing the current Section 20-106 with the following:

§20-106. Authorization of Collectors.

It shall be unlawful for any person, other than such persons as are duly authorized by the County of Centre, to collect and transport solid waste of any nature as a regular hauling business within or from the Borough. Authorization shall be given only as set forth in any applicable procedures adopted by the County of Centre relating to the issuance of such licenses to collect solid waste.

SECTION 3: Any additional references to the Borough of Philipsburg in Chapter 20, relating to Borough licensing or regulating of collection of solid waste, shall be deemed to be references to the Centre County Solid Waste Department or any other appropriate Centre County department or official, to the extent such activities described in Chapter 20 are governed, licensed or regulated by the County of Centre.

SECTION 4: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this Ordinance.

SECTION 5: The effective date of this Ordinance shall be ten (10) days after the date of enactment thereof.

ADOPTED as an Ordinance of the Philipsburg Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 16th day of September, 2013.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals
this 16th day of September, 2013.

ATTEST:

Sherry R. Westrom
Secretary

BOROUGH OF PHILIPSBURG
BY Richard M. ...
President of Council

EXAMINED AND APPROVED by me this 16 day of September, 2013.

John ...
Mayor

ORDINANCE NO. 1071-2012

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF THE BOROUGH OF PHILIPSBURG TO PROVIDE FOR THE ISSUANCE OF SOLID WASTE LICENSES BY THE COUNTY OF CENTRE RATHER THAN THE BOROUGH

WHEREAS, The Waste Transportation ACT (ACT 90), signed into law on June 29, 2002, allows only County Governments to issue trash hauling permits.

WHEREAS, prior to ACT 90, the Borough of Philipsburg issued municipal trash hauling permits.

THEREFORE, be it enacted and ordained by the Borough Council of Philipsburg Borough, and it is hereby enacted and ordained by the authority of same:

SECTION 1: In Chapter 20, Part 1, of the Code of the Borough of Philipsburg, all references to the Borough issuing licenses shall be removed and replaced with references to the County of Centre, as required pursuant to Pennsylvania's ACT 90.

SECTION 2: More specifically, and without limiting the foregoing, the following sections of Chapter 20, Part 1, are hereby amended as follows:

A. §20-102. Definitions.

COLLECTOR- A person authorized by Centre County to collect, transport and dispose of municipal waste.

B. §20-106.1

1. It shall be unlawful for any person, other than such persons as are duly authorized by Centre County to collect and transport solid

waste of any nature as a regular hauling business within or from the Borough. Authorization shall be given only as set forth below.

C. §20-106.2

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

D. §20-106.2.A

- A. Municipal solid waste collection licenses may be issued to those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions of intent of this Part. Centre County reserves the right to disapprove any application for license.

D. §20-106.2.B.5

- (5). Any other information which the County may request and deem necessary prior to the issuance of a license.

SECTION 3: Any Ordinance(s) or parts of Ordinance(s) of the Borough of Philipsburg, Centre County, Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this Ordinance.

SECTION 4: This Ordinance shall become effective five (5) days after adoption.

ADOPTED as an Ordinance of the Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 26th day of November, 2012.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 26th day of November, 2012.

ATTEST:

BOROUGH OF PHILIPSBURG

Sherry D. Westrom
Secretary

BY [Signature]
President of Council

EXAMINED AND APPROVED by me this 3 day of December, 2012.

[Signature]
Mayor

PART 1

COLLECTION, DISPOSAL AND RECYCLING

A. Municipal Solid Waste.

§20-101. Title.

This Part shall be known as the "Philipsburg Municipal Solid Waste Ordinance."

(Ord. 922, 6/9/1986, Art. I, §1)

§20-102. Definitions.

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

APPLICANT — a person desirous of being authorized as a "collector."

BOROUGH — Philipsburg Borough, Centre County, Pennsylvania.

COLLECTOR — a person authorized by Philipsburg Borough to collect, transport and dispose of municipal waste.

COMMERCIAL ESTABLISHMENT — any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office building, restaurants, shopping centers and theaters.

DISPOSAL — the incineration, deposition, injection, dumping, spilling, leaking or placing of Borough 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 waste attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

INDUSTRIAL ESTABLISHMENT — 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.

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MANAGEMENT — the entire process or any part thereof of storage, collection, transportation, 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, semisolid 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, wastewater treatment plant or air pollution control facility (Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S. §§6018-101 – 6018-103).

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 such rights and duties.

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 offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities and resource recovery facilities.

RECYCLABLES — aluminum cans and articles, bi-metal cans, glass containers, corrugated paper (cardboard and paper bags), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper, and paper products not chemically coated.

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

REGULAR — at least three or more times per month.

SOLID WASTE — any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials (Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S. §§6018-101 – 6018-103).

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 offsite removal of any municipal waste generated or present at any time from the Borough.

YARD WASTE — leaves, grass trimmings, brush and other organic yard waste.

(Ord. 922, 6/9/1986, Art. II, §1; as amended by Ord. 1013, 11/18/2002, §2)

§20-103. Storage of Municipal Waste.

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 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 municipal wastes which may accumulate during the intervals between collection of each municipal waste by an authorized collector.

(Ord. 922, 6/9/1986, Art. III, §1)

§20-104. Storage on Residential Properties.

1. Containers. All municipal waste accumulated by owners of each property and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, watertight and made of metal or plastic. The size of each such container shall not exceed a thirty-gallon capacity.
2. 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 no less than 10 feet of the public street or all 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.

(Ord. 922, 6/9/1986, Art. III, §2)

§20-105. Storage on Commercial, Institutional and Industrial Properties.

1. 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 where the accumulation for each commercial, institutional or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Such special arrangements shall include the following:
 - A. The type of special bulk container to be furnished by the collector and as may be approved by the Borough.

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- B. The number of such containers, as shall be agreed to between the collector and such owner or occupant of the commercial, institutional or industrial property, to be used in any collection period.
2. Location of Containers. Containers for collection at commercial, institutional and industrial properties shall be located on such premises at a place agreed upon by such owner or occupant of the commercial, institutional and industrial property and the authorized collector and shall not be unsatisfactory to the Borough. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings.

(Ord. 922, 6/9/1986, Art. III, §3)

§20-106. Authorization of Collectors.

1. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough, to collect and transport solid waste of any nature as a regular hauling business within or from the Borough. Authorization shall be given only as set forth below.
2. Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the Borough through the issuance of a license. All applications for licensing shall be reviewed by the Borough and shall be approved in accordance with the following:
 - 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 Part. The Borough reserves the right to disapprove any application for license.
 - B. Applicants for a municipal solid waste collection license must furnish the following information:
 - (1) The number of vehicles, the make, model, license plate number and size of the 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 insur-

ance, the limits of which shall not be less than \$100,000/\$300,000 for bodily injury and \$50,000 for property damage.

- (5) Any other information which the Borough may request and deem necessary prior to the issuance of a license.
- C. Licenses shall be issued on a calendar year basis, but may be revoked at anytime by the Borough for just cause.
- D. Fees for licenses shall be set by the Borough in an amount to be established, from time to time, by resolution of the Borough Council and the amount shall be provided to any applicant or other person upon request.

(Ord. 922, 6/9/1986, Art 4, §§1,2; as amended by A.O.

§20-107. Transportation of Solid Waste.

Any person transporting solid waste within the Borough shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

(Ord. 922, 6/9/1986, Art. 5, §1)

§20-108. Disposal of Municipal Waste.

- 1. All municipal waste produced, collected and transported from within the jurisdictional limits of the Borough 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 of the Borough, the Borough reserves the right to designate a State permitted facility of its choice or require that disposal be at a State permitted facility of the authorized collector's choice.
- 2. If the Borough designates the disposal facilities as provided for above, all authorized collectors and other interested person shall be informed by the Borough 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 of from within the Borough.

(Ord. 922, 6/9/1986, Art. 6, §§1,2)

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§20-109. Yard Waste.

1. General. The Borough may, from time to time and at its own discretion, allow for the disposal of yard waste on Borough owned land for purposes of recycling of such waste or any other purpose the Borough deems suitable.
2. Disposal. Yard waste may be disposed of on such Borough owned property only by a designated agent of the Borough and such designated agent shall be subject to license and permit regulations as established by the Borough, from time to time, under this Part.
3. Designated Agents. Designated agents for yard waste under this Part may include, but are not limited to, tree surgeons, landscapers and commercial lawn care entities.
4. Unauthorized Collection. It shall be a violation of this Part for any person not designated by the Borough to deposit or cause to be deposited any yard waste on Borough designated property. Any and each disposal in violation hereof shall constitute a separate offense punishable as provided in this Part.
5. Exception. Nothing in this Section shall be construed to prohibit any individual who is a resident of the Borough and who is not engaged in a business that generates yard waste from disposing of his own yard waste on an irregular and un-scheduled basis on such Borough owned and Borough designated land.

(Ord. 922, 6/9/1986; as added by Ord. 1013, 11/18/2002, §4)

§20-110. Recyclables.

1. General. Those recyclables separated for purposes of materials recovery, rather than disposal, by a designated agent of the Borough, shall not be subject to provisions of this Part which require disposal of such wastes at facilities designated by the Borough.
2. Collection. Recyclables may be collected only by a designated agent of the Borough and shall be subject to license and permit regulations as established by the Borough, from time to time, under this Part.
3. Designated Agents. Designated agents for recyclables under this Part may include, but are not limited to, the following:
 - A. Scouts.
 - B. Volunteer and nonprofit organizations.
 - C. Secondary material dealers.

D. Private solid waste haulers and others deemed appropriate by the Borough. All designated agents shall obtain a license from the Borough based upon requirements as set by the Borough for such license, including quantity and type of recyclables, days of collections, geographic area and other requirements as may be appropriate.

4. Unauthorized Collection. It shall be a violation of this Part for any person not designated by the Borough to collect or pickup or cause to be collected or picked up any recyclables set out for collection by a designated agent for such recyclables. Any and each such collection in violation hereof from one or more premises shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 922, 6/9/1986, Art. 9, §§1-4)

§20-111. Penalties and Remedies.

1. 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 \$100 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
2. 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.

(Ord. 922, 6/9/1986, Art. 9, §§1,2; as amended by A.O.)

§20-112. Exclusions.

1. Nothing contained herein shall be deemed to prohibit any person 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. 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 wastes.
3. The provisions of this Part do not apply to anything but the storage, collection, transportation and disposal of municipal and do not apply therefore to hazardous or residual wastes as defined by the Pennsylvania Solid Waste Management Act.

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(Ord. 922, 6/9/1986, Art. 7, §§1-3; as amended by Ord. 1013, 11/18/2002, §3)

§20-113. Severability and Amendment.

1. Should any Section, paragraph, sentence, clause or phrase of this Part be declared unconstitutional or invalid for any reason, the remainder of this Part shall not be affected thereby.
2. This Part shall be subject to all Federal, State and local laws, parts, rules and regulations, including the rules and regulations as set forth by the Department of Environmental Protection, Commonwealth of Pennsylvania.
3. This Part or any part thereof may be amended, from time to time, in accordance with the procedures established by law.

(Ord. 922, 6/9/1986, Art. 9, §§1-3; as amended by Ord. 1013, 11/18/2002, §3; and by A.O.

B. Dumpsters, Waste Pickup and Roll-Offs.

§20-121. Dumpsters.

1. The terms "dumpster" shall mean any container with a capacity of greater than 30 gallons.
2. All dumpsters shall be sized so as to accommodate all waste stored between routine pickup dates. All dumpsters shall have lids, which shall be closed at all times. At no time shall waste extend above the top of the dumpster, preventing the dumpsters lid from closing.
3. Every dumpster shall be placed on a uniform solid surface which shall be at least as large as the dumpster.

(Ord. 922, 6/9/1986; as added by Ord. 1030, 3/14/2005 Art II, §§1-4; as amended by A.O

§20-122. Placement of Waste for Pickup.

1. Plastic and metal garbage containers may be placed for pickup the evening before or the morning of the scheduled pickup. Except in the case of dumpsters, no containers may be placed at any other time. All containers must have lids, which shall be closed at all times.
2. Plastic garbage bags may be placed for pickup on the morning of the scheduled pickup. No bags may be placed at any other time.

(Ord. 922, 6/9/1986; as added by Ord. 1030, 3/14/2005 Art. III, §1-2)

§20-123. Roll-Offs.

1. All roll-offs must be protected by pylons, ribbons or some other means that will allow the roll-off to be noticed easily.
2. Roll-offs must be placed in a manner and location that will not obstruct the view of pedestrians or motorists at intersections.
3. Roll-offs must be removed within 14 days after the job is complete.
4. All trash must be placed inside of the dumpster or roll-off and not beside it.

(Ord. 922, 6/9/1986; as added by Ord. 1030, 3/14/2005, Art. IV, §§1-2; as amended by A.O.

§20-124. Penalty.

1. Any person violating any provision of this Part shall be subject to a written warning of the violation.
2. Any person committing a violation of this Part, after such person has committed a prior violation of this Part, shall be subject to a fine in the amount of \$25.
3. Any person committing a violation of this Part, after such person has committed two prior violations 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.

(Ord. 922, 6/9/1986; as added by Ord. 1030, 3/14/2005, Art. V, §§1-3; as amended by A.O

