

Chapter 20

Solid Waste

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Part 1**Solid Waste Collection and Disposal****§20-101. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Agent - one who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefor).

Aluminum cans - empty, all-aluminum beverage and food containers.

Applicant - a person desirous of being licensed as a municipal waste hauler.

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

Authorized collector - a licensed hauler as defined herein; or a person who, being so authorized by the terms of this Part, removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent as defined herein.

Bi-metallic cans - empty food or beverage containers consisting of both steel and aluminum.

Borough - the Borough of Carroll Valley, Adams County, Pennsylvania.

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

Breeding area - any condition which provides the necessary environment for the birth or hatching of vectors.

Bulky items - discarded major appliances, televisions, mattresses, furniture and similar household items.

Composting - the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Commercial customer - any customer, whether a commercial establishment, dwelling or dwelling unit, normally requiring more than five 32-gallon containers per week to hold the refuse to be collected.

Commercial establishment - the use of any premises as other than a dwelling, including hotels, boarding and lodging houses, tourist cabins, motels and trailers. Commercial establishment shall also include any multi-family residences occupied by more than two families.

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

Construction / demolition waste - solid waste resulting from the construction,

demolition, repair, or remodeling of buildings and other structures. [Ord.4-00]

Corrugated paper - structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

County - the County of Adams, Commonwealth of Pennsylvania.

Curbside collection - a method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties dispose of their recyclables by placing them at curbside (within the public right-of-way fronting along their property), at designated times, for collection and removal by an authorized collector thereof for delivery to a recycling center. The definition also applies to municipal waste collected in this manner and removed by an authorized collector for delivery to an approved disposal site.

Debris - waste materials consisting of stones, bricks, plaster, broken concrete or earth, in such quantity and size as shall not violate the restriction hereinafter set forth with respect to the size and weight of containers.

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Disposal area - any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.

Dwelling - a building used for residential purposes, not to include hotels, boarding and lodging houses, tourist cabins, motels and trailers, which shall be considered commercial establishments. Dwelling also shall not include more than two attached dwelling units.

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.

Extermination - the control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or State authority having such administrative jurisdiction.

Garbage - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

Glass containers - all empty food and beverage jars or bottles made from silica or sand. soda ash. and limestone. the product being transparent or translucent (either clear, green or brown); excluding, however, blue glass, flat glass, plate glass, glass commonly known as "window glass," automotive glass, and ceramic and porcelain products.

Harborage - any place where vectors can live, nest or seek shelter.

High-grade office paper - any white paper other than newsprint, magazines, or other chemically coated paper or corrugated paper, of the type commonly used for letter-writing stationery, note paper, plain paper photocopying machines, computer printers, and other general-purpose paper, whether or not any printed or written

matter is contained thereon.

Institutional - of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches, and social or fraternal societies and organizations

Landlord - the owner of residential property, or such owner's authorized agent.

Leafwaste - leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

Licensed hauler - a person licensed by the Borough of Carroll Valley to collect, haul, transport, and dispose of municipal waste and recyclables.

Magazines - printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

Multi-family housing property - a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

Municipal - of or pertaining to any office or other property under the control of any branch or arm of the Federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Borough of Carroll Valley, any county, city, borough, township and municipal authority.

Municipal waste - an all-encompassing, most general term meaning 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, except farm-produced manure, other agricultural waste, and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of "residual or hazardous waste" as defined in the Commonwealth of Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, but excluding recyclables.

Newspaper - paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereof news and opinions and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, and any other paper products of any nature.

Open burning (fire) - a fire in which any solid waste is burned in the open or in a receptacle other than a furnace or any incinerator permitted by the Pennsylvania Department of Environmental Protection. [A.O.]

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, branch or agency of the Federal government, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. 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.

Plastic beverage carrier - plastic rings or similar plastic connectors used as holding devices in the packaging of beverages including, but not limited to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda, and beer.

Plastic containers - empty plastic food and beverage containers, the specific types of which may, from time to time, be designated for recycling by resolution of the Carroll Valley Borough Council.

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 off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities, and resource recovery facilities.

Recyclables - materials designated as recyclable in this Part, or required by the terms of this Part (or any amendment hereto) to be kept separate from municipal waste and recycled.

Recycling - the collection, separate maintenance, recovery, and sale or reuse of recyclables which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Recycling center - a facility designed to, and which does, act as a collection center for the processing, storage, and shipment of recyclables. The terms as used herein may refer to a collection facility used for temporary storage of recyclables, provided said recyclables are ultimately transferred to a facility which processes recyclables for reuse. The term specifically excludes transfer stations and landfills for solid waste and composting facilities and resource recovery facilities.

Residential - any dwelling unit used as a place of human habitation and which is not commercial, municipal, institutional, or a community activity. Home occupations incidental to the residential use within a building are considered “residential.”

Residential customer - any customer, whether a commercial establishment, dwelling or dwelling unit, normally requiring five or less 32 gallon containers per week to hold the municipal waste to be collected.

Resource recovery facility - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site including, but not limited to, a facility that mechanically extracts materials from municipal waste. a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste to usable energy. and any chemical and biological process that converts municipal waste into a fuel product The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- (1) Any composting facility.
- (2) Methane gas extraction from a municipal waste landfill.
- (3) Any separation and collection center, drop-off point or collection center

for recycling, or any source separation or collection center for composting leaf waste.

(4) Any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.

Rubbish - leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, and all solid combustible matter not included in this Section under the definition of “garbage.”

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

Steel cans - empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.

Storage - the containment of any municipal waste on a temporary basis in such manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of 1-year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

Transportation - the off-site removal of any municipal waste at any time after generation thereof.

Vector - a rodent, arthropod or insect capable of transmitting a disease or infections. Vectors shall include, but not be limited to, rats, mosquitos, cockroaches, flies, ticks, etc.

Waste - a material whose original purpose has been completed and which is directed to a storage or processing facility or is otherwise disposed of. The term does not include source separated recyclable materials or materials approved by the Commonwealth of Pennsylvania Department of Environmental Protection for beneficial use. [A.O.]

Yard waste - grass clippings, leaves, twigs and small cut or broken branches from trees shrubbery.

(Ord. 7-92, 9/14/1992, §101; as amended by Ord 6-97, 12/8/1997; by Ord. 4-00, 5/8/2000; and by A.O.)

§20-102. Supervision of Collection.

The supervision of the collection, removal and disposal of municipal waste shall belong to the Borough Council and the Council is hereby vested with full authority to make all necessary rules and regulations not contrary to law and in conformity with this Part that it shall from time to time deem available to accomplish the ends and purposes of this Part.

(Ord 7-92, 9/14/1992, §102)

§20-103. Dumping/Litter.

1. It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Borough, except in proper containers for purposes of temporary storage or collection, and except where

the waste or recyclables are in such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream, body of water, or any public right-of-way within the Borough.

2. The presence of any articles containing a person's name among municipal waste or recyclables shall create a rebuttable presumption, for purposes of this Part, that said municipal waste or recyclables are the property of the person whose name is found thereon. This presumption can only be rebutted by clear and convincing evidence to the contrary.

3. Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in an appropriate receptacle any municipal waste, recyclables or other debris deposited or accumulated on or adjacent to such property. All owners or operators of commercial, industrial, institutional and municipal establishments in the Borough shall make all reasonable precautions to prevent the depositing and accumulation of debris on their premises, and in furtherance of that end, may place appropriate waste containers on or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians; such receptacles shall be emptied on a regular basis.

4. Nothing contained herein shall prohibit an owner of property or occupant thereof from composting yard waste, nor shall it 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, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

(Ord 7-92, 9/14/1992, §103)

§20-104. Preparation and Storage of Municipal Waste.

The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire or other safety hazards, odors, unsightliness or public nuisance. Any person accumulating or storing municipal waste on private or public property in the Borough for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:

A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction, rust and corrosion resistant, equipped with lids and waterproof (except that lids shall be optional on large bulk containers commonly known as "dumpsters") Waste placed at the roadside on the day of collection may be contained in plastic bags. 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. 6-97]

B. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers described above, and all ashes shall be free of any burning material before being deposited for collection. Tree trimmings, hedge clippings, and similar rubbish not placed in

containers shall be cut in lengths not exceeding 5 feet and securely tied in bundles. Tree trimmings shall not exceed 2 inches in diameter.

C. Containers, other than bulk containers, shall be placed for collection at ground level on the property, not within the cartway of a street or alley, accessible to and not more than 10 feet from the side or curb of the street or alley from which collection is made, and shall be removed from public view on the front street side of the premises as quickly as possible after being emptied on collection day, and no later than 24 hours thereafter. [*Ord. 6-97*]

D. Bulk containers (such as dumpsters) shall be located in the rear or side area of the premises, removed from public view on the front street side of the premises. An exception to this provision will be granted if it can be clearly demonstrated that the collector does not have access to the rear or side areas of the premises.

E. Bulk containers (such as dumpsters) shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Part by the person or entity on whose property the bulk container is located.

(*Ord. 7-92, 9/14/1992, §104; as amended by Ord. 6-97, 12/8/1997*)

§20-105. Required Collection.

All owners of property within the Borough shall provide for the regular preparation, collection and removal of all municipal waste generated at such properties in one of the approved manners set forth herein:

A. Persons or establishments collecting or removing their own municipal waste shall do so at regular intervals in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this Part.

B. Every owner or occupant of residential property and every other person who, or establishment which, does not collect and remove their own waste as aforesaid, shall contract with a licensed hauler for its regular, scheduled curbside collection and removal at least once each week at a time set by the Borough Collector and approved by the Borough. A variance from this schedule is permitted where conditions beyond the control of the licensed hauler prevent it. The maximum quantity of municipal waste allowed for each dwelling and/or dwelling unit for each collection day shall be five containers weighing not more than 75 pounds each nor exceeding a volume of 32 gallons each. [*Ord 6-97*]

C. No person other than a licensed hauler shall collect or remove municipal waste from any other person's property.

D. All agreements for collection, transportation, and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the licensed hauler who is to collect such waste.

E. All commercial customers shall be required to make arrangements directly with the Borough Collector for collection of their municipal waste. Such collection shall not be less often than weekly and shall be at intervals short enough to

prevent unsafe, unsightly or unsanitary accumulations of municipal waste. Commercial customers shall be permitted to place a dumpster or other similar container for the disposal of municipal waste on its premises provided such container does not interfere with the flow of traffic around the commercial establishment and provided it is in compliance with §20-104.D, of this Part. *Ord. 6-97]*

F. Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste on an irregular and unscheduled basis to a facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection, and approved for disposal in the Adams County Solid Waste Plan (or to a transfer station from which it will be taken and ultimately disposed of at such a facility) provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste as required by this Section and provided that such is not in violation of any County or other municipal law or regulation. [A.O.] (*Ord. 7-92, 9/14/1992, §105; as amended by Ord. 6-97, 12/8/1997; and by A.O.*)

§20-106. Burning Prohibited.

Open burning of any construction/demolition waste, garbage or food tins or containers, or municipal waste on any premises is prohibited. Burning of leaf and yard waste is permitted only in accordance with the provisions of the International Fire Code, latest edition, and 25 Pa.Code §129.14. This Section may be enforced by the Borough Code Enforcement Officer or the Borough Police Department.

(*Ord 7-92, 9/14/1992, §106; as amended by Ord. 10-98, 12/14/1998; by Ord. 4-00, 5/8/2000; and by A.O.*)

§20-107. Public Litter Baskets.

The Borough is hereby authorized to collect municipal waste from Borough property, to provide public litter baskets on Borough property, and to dispose of such waste in either a receptacle of a licensed hauler or at designated disposal sites.

(*Ord. 7-92, 9/14/1992, §107*)

§20-108. Fees for Municipal Waste Collection.

1. Fees for Residential Customers.

A. The fees for collection and disposal of municipal waste from residential customers shall be at a rate as fixed by the Borough Council from time to time and shall be subject to change as the volume of municipal waste collected or collection costs vary. A recycling fee shall also be established by the Borough Council.

B. The fees set forth herein shall be billed and collected by the Borough Collector. Such fees shall be billed not less often than quarterly. The fee for municipal waste disposal shall be the responsibility of the dwelling unit owner, and in the event of a transfer of ownership, all unsettled charges shall become the responsibility of the new owner.

C. Any dwelling unit which is totally unoccupied and which generates no municipal waste or recycled materials for an entire quarter shall be exonerated from the charges herein levied. Such exoneration shall be made only after the

owner has filed an affidavit certifying to such vacancy on a form provided by the Borough. No such exoneration shall be made on the basis of vacancies of less than or other than full quarters.

2. *Fees for Commercial Customers.*

A. The fees for collection and disposal of municipal waste from commercial customers shall be fixed by the Borough Council and shall be subject to change as the volumes of refuse collected or collection costs vary.

B. The fees set for collection of municipal waste of commercial customers shall be paid by the owner, tenant, lessee or occupant of the premises no less often than monthly. Said fees are the ultimate responsibility of the owner of the property. Should the property change ownership, unsettled charges shall become the responsibility of the new owner.

(*Ord. 7-92, 9/14/1992, §108; as amended by Ord. 6-97, 12/8/1997*)

§20-109. Dumping or Storage Unlawful.

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 or any other municipal waste of any nature; or to store or permit to be stored any abandoned or junked motor vehicle outside of a completely enclosed building or garage, or in accordance with the Borough regulations concerning storage of personal property nuisances [Chapter 10, Part 2].

(*Ord. 7-92, 9/14/1992, §109; as amended by Ord. 6-97, 12/8/1997*)

Part 2**Recycling****§20-201. Voluntary Recycling.**

Borough residents and owners of commercial establishments who have a contract with the Borough's licensed collector to collect municipal waste may participate in the Borough's voluntary recycling program in accordance with the following provisions and in accordance with the criteria established in conjunction with the licensed collector.

(Ord. 7-92, 9/14/1992, §201)

§20-202. Separation of Recyclables.

Recyclables may be kept separate from and disposed of separately from municipal waste, as indicated below:

A. Owners and occupants of all residential, commercial, and municipal properties may keep separate the following recyclables: clear glass; aluminum, steel and bi-metallic cans; and newspaper.

B. The Borough Council may by resolution enumerate alternative recyclables which may be separated from municipal waste and collected in accordance with this Part (see §20-203.2).

C. All containers shall be emptied of their contents. The following containers may be co-mingled: aluminum, steel and bi-metallic cans. Glass containers must be kept separate. Glossy newsprint and any other chemically coated paper must not be included with newspapers.

(Ord. 7-92, 9/14/1992, §202)

§20-203. Collection of Recyclables.

1. *Responsibilities of Licensed Collectors; Noncurbside Collection.*

A. The licensed collector shall provide a roll-off type receptacle with separate, appropriately labeled bins for the collection of the recyclables described in §20-202. Said receptacle shall be placed at a location within the boundaries of the Borough as designated from time to time by the Borough Council. The receptacle shall be available to receive recyclables at all times with the exception of a period of 5 hours on the day the licensed collector schedules the delivery of the accumulated recyclables to the designated recycling center. [Ord. 6-97]

B. The licensed collector shall remove the accumulated recyclables for delivery to a designated recycling center on a regular timely basis so as to prevent the receptacle from overflowing and creating an unsightly or dangerous nuisance.

2. *Curbside Recycling.* Should the Borough initiate a curbside recycling program with the Borough collector in any given contract period, residential and commercial customers within the Borough may separate all recyclable materials from municipal waste and place such recyclable materials in a specially designated container to be provided by the Borough or the contractor at the residential customer's or the commercial customer's expense. The residential customer and the commercial customer

may separate the following recyclable materials: newspapers, aluminum cans, bi-metal cans, clear and colored glass containers, plastic Pet #1 and HDPE #2 beverage containers and detergent containers. All recyclable materials shall be placed at the curbside for collection in the same manner and at the same time as other municipal waste [Ord. 6-97]

3. *Responsibilities of Residents.*

A. All permitted recyclables separated as indicated in §20-202 or subsection .2 of this Section shall be placed in the appropriately labeled bins of the collection receptacle. No recyclables shall be left outside the receptacle for any reason.

B. No municipal waste, other than the permitted recyclables, shall be deposited in the receptacle designated for recyclables.

(Ord. 7-92, 9/14/1992, §203; as amended by Ord. 6-97, 12/8/1997)

§20-204. Unauthorized Collection.

It shall be a violation of this Part for any unauthorized person(s) to collect or pick up or cause to be collected or picked up any recyclable items set out for collection in accordance with the terms specified herein. Each such violation from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 7-92, 9/14/1992, §204)

§20-205. Penalty.

Any person, firm or corporation who shall violate any provision of this 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. 7-92, 9/14/1992; as added by A.O.

Part 3**Authorization of Collectors and Duties****§20-301. Authorization of Collectors.**

1. It shall be unlawful for any person, other than such as are duly authorized by the Borough, to collect and haul municipal waste of any nature within or from the Borough for a person other than himself. Authorization to collect and dispose of municipal waste for persons other than oneself shall be accomplished by obtaining a license from the Borough, which license shall be issued only in those instances as hereinafter set forth.

2. The Borough Council shall, by its own resolution, designate one person or firm as the Borough collector for the ensuing fiscal year. Said Borough collector shall have the exclusive right and obligation to collect and haul municipal waste within the Borough, except as follows:

A. Those persons, including commercial establishments, who elect to personally dispose of their refuse, in which case no license is required. The hiring of any person, other than an employee, to dispose of one's refuse shall not be considered "personal disposal" within the meaning of this provision.

B. Commercial and institutional establishments may contract with a hauler other than the licensed hauler designated by the Borough Council to collect and remove the municipal waste and recyclables generated by said establishments. The selected hauler must apply to the Borough Council for a license in accordance with the provisions of this Part.

(Ord. 7-92, 9/14/1992, §301)

§20-302. Hauler's License.

All applications for a hauler's license shall be evaluated and approved on an annual basis in accordance with the following criteria:

A. Applicants must furnish the following information on a form to be prescribed by the Borough:

(1) The name, address and telephone number of the hauler making application.

(2) An attested affidavit of an officer of the hauling firm stating that the trucks and vehicles to be used in the hauling operation are closed sanitary trucks that meet all Federal, State and local requirements for such commercial vehicles, including the proper licensing of the drivers.

(3) A certificate of the applicant's insurance coverage certifying as to complete third-party comprehensive and liability insurance covering bodily injury and property damage, the limits of which shall be not less than \$300,000/\$500,000 for bodily injury and \$50,000 for property damage.

(4) A certificate of the applicant's workers compensation insurance as required by law.

(5) Evidence of payment of an annual license fee to be established from

time to time by resolution of Borough Council.

(6) Any and all additional information which the Borough may request and deem necessary prior to the issuance of a license.

(7) A schedule of rates and charges for collection of municipal waste from residential customers in the Borough for the upcoming year, as well as any rate differential for services related to the recycling program, and fees for removal of bulky items.

(8) All pertinent identifying information relative to the recycling center proposed to be the recipient of the recyclables collected at one or more locations in the Borough as part of the voluntary recycling program.

B. The Borough may deny a hauler's license for any of the following reasons:

(1) If the applicant has previously had a recyclable collection permit or hauler's license revoked or suspended.

(2) If the applicant has violated, or is violating, any ordinance of the Borough, the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, or any regulations of the Department of Environmental Protection relating to the environment and to municipal waste, or has been convicted of any such violation. [A.O.]

(3) If the applicant has any uncollected judgments filed against him resulting from lawsuits filed against him by any customer.

(4) If, within the Borough or elsewhere, the applicant has failed to fulfill his duties as a municipal waste collector in general, or in particular has failed to pick up municipal waste and recyclables in a workmanlike manner or on a regularly scheduled bases.

(Ord. 7-92, 9/14/1992, §302; as amended by A.O.)

§20-303. Revocation of License.

Although issued on an annual basis, a hauler's license may be revoked at any time by the Borough in accordance with the following:

A. Failure of the licensee to furnish and provide collection and disposal of municipal waste and recyclables (where applicable) in accordance with the terms of this Part and the conditions under the license was issued.

B. *Administrative Proceedings.*

(1) In case of violation of or failure to comply with the provisions of this Part, the Borough Council shall give the licensee an opportunity for a hearing thereon. Any licensee so entitled to a hearing shall have 10 days after notice of his right to hearing is given pursuant to this Section within which to request such a hearing in writing. Failure of the licensee to request a hearing shall be deemed to constitute an admission of the violation with which he is charged and which forms the basis of a revocation of his license. Upon receipt of a request for a hearing in accordance with this Section, it shall be scheduled before the Borough Council and the licensee given 10 days written notice of the time and place of the hearing at which he may appear and answer the charge.

(2) Upon determination that a violation did occur, the Borough Council

may issue a warning or may revoke the license.

C. The issuance of a hauler's license under this Section does not grant a vested right to any collector to a continued right to haul or collect municipal waste and recyclables in the Borough, and the Borough reserves the right to contract for municipal waste and recycling services, or to initiate the public collection of municipal waste and/or recyclables.

(Ord. 7-92, 9/14/1992, §303)

§20-304. Conditions Relating to Hauler's Licenses.

1. A check for the annual license fee shall be submitted with each application for a license; said fee shall not be proratable.

2. Licensed haulers shall not collect municipal waste from properties within the Borough limits on Sundays.

3. Licensees shall have the name of the hauler and the telephone number of the hauler's office or headquarters marked and clearly visible on the hauling trucks.

4. Every hauler, as a precondition to being licensed to do business within the Borough, shall be required to provide collection and removal services for a voluntary recycling program in accordance with §20-202 of this Part. Any such recyclables so removed by licensed haulers shall be kept separate from the municipal waste and shall be taken to the recycling center designated on the license.

5. All licensed haulers doing business within the Borough shall make available to their customers the service of removal of "bulky items" not less frequently than once per year.

6. All complaints regarding collection of recyclables or municipal waste shall be given prompt and courteous attention by the collector.

7. Disposal of all municipal waste shall be at sites approved in accordance with Act 101 and in compliance with all local, State and Federal rules and regulations.

(Ord. 7-92, 9/14/1992, §304)

Part 4**Miscellaneous Provisions****§20-401. Violations and Penalties.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$300 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. [A.O.]

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 or abandoned or junked vehicle, and should said person fail to remove the same within 10 days of written notice, the Borough may cause the same to be done and collect the costs thereof, together with a penalty of 10 percent of such costs, in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by action in equity.

(*Ord. 7-92, 9/14/1992; as amended by Ord. 6-97, 12/8/1997; and by A.O.*)

§20-402. Construction.

In this Part, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

(*Ord. 7-92, 9/14/1992, §402*)

