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## CHAPTER 23

### SOLID WASTE

#### Part 1

#### Solid Waste Storage, Collection and Disposal

**§101. Definitions.** The following words and terms, as used in this Ordinance, shall have the meaning hereby ascribed thereto, unless the context clearly indicates a different meaning.

(a) Ashes – the residue from burning of wood, coal, coke, or other combustible materials.

(b) Commercial Unit – any business or industrial establishment which is not included under the definition of residential unit.

(c) Contractor – means a person permitted by the Borough to collect, transport and dispose of refuse and/or recyclables.

(d) Garbage – means all putrescible fish, fruit, animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

(e) Refuse – is a general term and shall mean all matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort and safety of the community; it shall include ashes, garbage, rubbish, ruffraff and other refuse materials, but exclude human body waste and recyclables.

(f) Residential Unit – a single structure, or part thereof, used for or as a dwelling for humans and containing cooking facilities and includes, but is not limited to, single family detached dwellings, single family attached dwellings, apartments, townhouses and mobile homes, but does not include hotels, motels, and apartment buildings containing more than 15 apartments.

(g) Ruffraff – all material not included in the definition of garbage, refuse, rubbish and ashes which shall include waste material from construction, manufacturing or maintenance work, new or used furniture, tires, household machinery and appliances.

(h) Rubbish – shall mean leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, manure and all solid combustible matter not included in this section under the term “garbage.” (Ord. No. 1-1993, 5/13/1993, Sec. 1)

Editorial Note: The enacting clause of the Ordinance No. 1-1993 stated that the ordinance was enacted under authority granted by the Borough Code, Act No. 581 of February 1,

1966, Section 1201(11), as amended and supplemented. Section 11 of the Ordinance repealed all inconsistent ordinances and parts of ordinances and specifically repealed Ordinance No. 1978-1 which had been set out in Chapter 5 of Part 5 of this Code of Ordinances. (Actually, Ordinance No. 1978-1 had been repealed by Ordinance No. 4-1991.) Section 12 of Ordinance No. 1-1993 provided that the ordinance become effective five days from the date of enactment, and was followed by a statement that the ordinance was to become a part of this Code of Ordinances, and that the sections of the Ordinance might be renumbered to accomplish that intention.

**§102. Scope of Ordinance.**

(a) The provisions in this Ordinance for a contract for collection and disposal of refuse, pertain to collection from all residential units (as defined) and electing commercial units (as limited below) within the Borough. All commercial units desiring said service shall be limited to four (4) containers of not more than 35 gallon capacity each. For any requirements beyond this limit, the commercial unit shall have the authority to employ any refuse contractor to collect their excess (or all of their refuse, if the commercial unit elects not to use the municipal service) refuse provided the contractor to collect their excess (or all of their refuse, if the commercial unit elects not to use the municipal service) refuse complies with all sections and provisions of this Ordinance, as well as all other laws, rules and regulations of the Commonwealth of Pennsylvania, Luzerne County, DEP and the Borough of White Haven (Ord. No. 5-2012, 11/26/12, changed the capacity from 30 gallons to 35 gallons to be consistent with the current Waste Hauling Collection Contract).

(b) Any commercial unit can elect to employ any refuse contractor to collect and dispose of their total refuse at their sole expense and be exempt from billing by the Borough, provided the contract complies with all sections of this Ordinance and all other applicable laws, rules and regulations of the Commonwealth of Pennsylvania, Luzerne County, DEP and the Borough of White Haven. In particular, but not limited to, any private refuse contractor must:

- (1) - obtain the required permit from the Borough of White Haven;
- (2) - use the appropriate Luzerne County designated landfill; and
- (3) - provide for the weekly collection and disposal of its refuse.

(Ord. No. 1-1993, 5/13/1993, Sec. 2)

**§103. Designated Collector only to make Collections from Certain Units; Exception.**

(a) No person, except the contractor designated as herein provided in Section 104, shall collect refuse from the residential units and commercial units electing to receive municipal refuse collection services located within the Borough, nor shall any person except the aforementioned contractor haul any refuse from residential units and

said electing commercial units for any other person within the Borough of White Haven or from any point within such Borough to any place or location outside the Borough limits.

(b) Provided, however: The prohibitions contained in this section shall not apply to any person who shall haul his own ruffraff from construction or demolition work, having first provided himself with the proper conveyance in which such ruffraff can be conveyed in such a manner as not be a source of annoyance or unpleasant odors and so as not to leak, drip, or to be scattered upon any of the streets or alleys of the Borough. (Ord. No. 1-1993, 5/13/2993, Sec.3)

**§104. Award of Contract; Content of Contract; Contractor's Bond.** The contract for the exclusive right to collect refuse from residential units and election commercial units in the Borough of White Haven, and for the conveyance and disposal thereof, shall be awarded from time to time, for such period of time as shall be determined by the White Haven Borough Council, to the lowest responsible bidder, following the procedure prescribed by the Pennsylvania Borough Code for the award of contracts in excess of \$18,500 or as per Borough Code. Such contracts shall fix and regulate, in a manner not inconsistent with the terms of this Ordinance, as White Haven Borough Council shall direct, the total price to be charged by such contractors, and the manner, method and time of collecting and conveying refuse. Unless the advertisement for bids provides otherwise, the person to whom such contracts shall be awarded shall, before executing said contract and undertaking any of the duties thereunder, give bond to the White Haven Borough Council in the sum and with such security as the Borough shall require, conditioned for the faithful compliance with the terms of contract. (Ord. No. 1-1993, 5/13/1993, Sec. 4)(Changed Bid Limit from \$10,000 to \$18,500 per Borough Code)

**§105. Preparation of Refuse for Collection; Placement for Collection.** Every person for whom the contractor shall collect refuse shall prepare such refuse in the following manner: All garbage shall be drained of liquid, insofar as practicable, and shall be placed in sanitary, covered cans, or other covered containers or in customary plastic garbage bags not to exceed 35 gallons capacity, made of non-absorbent material, provided with handles and closely fitted covers and no can when filled shall exceed 50 pounds in weight. Such cans shall be furnished by the customer, shall be cleaned by him following each collection, and shall be replaced by such customer when no longer in good condition. All ashes, rubbish and ruffraff 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 receptacles shall be placed for collection at ground level on the property of the residence from which it is to be collected, and accessible to and not more than ten (10) feet from the side of the State or Borough road that abuts the property, or, if the property of the residential and/or commercial unit does not abut a State or Borough road, refuse receptacles shall be placed on that portion of the road right of way that abuts or is closest to the entranceway or lane to said property. No refuse shall be placed for collection earlier than 8:00 o'clock of the evening prior to a schedule collection date. (Ord. No. 1-1993, 5/13/1993, Sec. 5; amended by Ord. No. 5-

2012, 11/26/12, changing the capacity from 30 gallons to 35 gallons and from 60 pounds to 50 pounds to be consistent with the current Waste Hauling Collection Contract).

**§106. Payment for Cost of Collection and Disposal; Fees.**

(a) Borough Council may provide for the payment of the cost and expense of collection and disposal of said refuse, as hereinabove set forth, either in whole or in part, out of the funds of the Borough, or by the imposition and collection of reasonable fees and charges based on the assessment of residential units and electing commercial units, or by any combination thereof.

(b) The fees for collection and disposal of refuse from residential and commercial units shall be fixed, by resolution, by Council, and shall be subject to change. The fees provided for in this subsection shall be paid quarterly by the owner of the residential and electing commercial units. The fee for refuse disposal shall be the responsibility of the residential and electing commercial unit owner and in the event of a transfer of ownership, all unsettled charges shall become the responsibility of the new owner and lienable against the property. (Ord. No. 1-1993, 5/13/1993, 5/13/1993, Sec. 6)

(c) The fees for collection and disposal of refuse for each residential unit and all electing commercial units shall be fixed at \$65.00 per quarter effective January 1, 2013 and shall be due on or before the last day of the month of each quarter. If any bill is not paid by the due date, an additional sum of 20% penalty shall be added to such net bill, which net bill, plus such additional sum shall constitute the gross bill. In addition to the net bill and the penalty, an interest rate of 1% per month shall be charged on any gross bill not paid by the due date. Any payment received on delinquent accounts shall be applied first to any penalty and interest and then to the oldest outstanding gross bill. (Ord. No. 5-2012, 11/26/12)

**§107. Prohibited Acts.** Except as hereinabove provided, no person shall throw, place or deposit refuse on any road, street, highway or other public place, or on or in any public or private property and no persons shall overturn or empty the contents of a container other than the authorized collector. (Ord. No. 1-1993, 5/13/1993, Sec. 7)

**§108. Copies of Private Refuse Collection Contracts Furnished to Borough.** At the request of Borough Council, each commercial unit NOT electing to use the municipal refuse collection services shall, within (10) days, supply Borough Council with a copy of its private refuse contract with an approved and permitted collector. (Ord. No. 1-1993, 5/13/1993, Sec. 8)

**§109. Exoneration.** Borough Council may consider requests for exoneration of fees for waste collection services provided that the unit is vacant and unoccupied and the owner has first filed written notice of such condition with the Borough and the Borough has been given the opportunity to inspect the unit to make certain that it is vacant and unoccupied. The owner of a unit shall reinstate waste collection services at the time the unit again becomes occupied. Waste Collection service fees shall be prorated for the

period in which the waste collection services were not used and the unit was unoccupied.  
(Ord. No. 5-2012, 11/26/12)

**§110. Severability.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**§111. Penalty for Violation.** Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. After notice, each day's neglect to comply with the Ordinance shall be deemed a separate offense and shall be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first conviction. (Ord. No. 1-1993, 5/13/1993, Sec. 8)

**Part 2**  
**Collection and Recycling of Certain Material**

**§201. Definitions.**

- (a) Ashes – the residue from burning of wood, coal, coke, or other combustible materials.
- (b) Commercial Unit – any business or industrial establishment which is not included under the definition of residential unit.
- (c) Contractor – means a person permitted by the Borough to collect, transport and dispose of refuse and/or recyclables.
- (d) Disposal – means the incineration, deposition, injection, dumping, spilling, leaking or placing of refuse into or on the land or water in a manner that the refuse or a constituent of refuse enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.
- (e) Disposal Area – means any site, location, area, building, structure, transfer station or premises to be used for refuse disposal.
- (f) Garbage – means all putrescible fish, fruit, animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- (g) Glass Containers – refers to all products made from silica or sand, soda ash and limestone, the product being transparent or translucent, and being used for packaging or bottling of various matter and all other material commonly known as glass excluding, however, blue and flat glass and glass commonly known as window glass.
- (h) Newspaper – as used herein shall be deemed to include paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals, as well as all other paper products of any nature, are not considered newspaper.
- (i) Recyclables – means materials having an economic value in the secondary material market. The following materials have such economic value: aluminum cans and articles, bi-metal cans, glass containers, steel cans, newspaper, plastic and cardboard.
- (j) Refuse – is a general term and shall mean all matter and materials which are discarded or rejected or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort and safety of the community; it shall include ashes, garbage, rubbish, ruffraff and other refuse materials, but exclude human body waste and recyclables.

(k) Residential Unit – a single structure, or part thereof, used for or as a dwelling for humans and containing cooking facilities and includes, but is not limited to, single family detached dwellings, single family attached dwellings, apartments, townhouses and mobile homes, but does not include hotels, motels, and apartment buildings containing more than 15 apartments.

(l) Riffraff – all material not included in the definition of garbage, refuse, rubbish and ashes which shall include waste material from construction, manufacturing or maintenance work, new or used furniture, tires, household machinery and appliances.

(m) Rubbish – shall mean leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, manure and all solid combustible matter not included in this section under the term “garbage.”

(Ord. No. 2-1993, 5/13/1993, Sec 1)

Editorial Note: The preamble to Ordinance No. 2-1993 stated that reduction of the amount of solid waste and conservation of recyclable materials is an important public concern by reason of the growing problem of solid waste disposal and its impact on our environment; and that recycling conserves valuable material resources and energy, and will reduce the overall amount of solid waste presently generated, and this reduces storage, collection, transportation and disposal cost.

Section 6 of the Ordinance repealed all inconsistent ordinances and parts of Ordinances. Section 7 contained severability provisions similar to those in Section 1-1005 of this Code of Ordinances; Section 8 provided that the ordinances become effective five days from the date of enactment. Following Section 8 was a statement that the provisions of the ordinance were to become and be made a part of this Code of Ordinances, and that the sections of the ordinance might be renumbered to accomplish that intention.

## **§202. Borough of White Haven Recycling Program.**

(a) The Borough hereby establishes and implements a source of separation and collection program for recyclable materials in accordance with Section 1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act. The source separation and collection program shall include the following regulations.

(1) All tenants, occupiers and owners of real property which receive municipal refuse collection services are hereby required to separate the following materials from other refuse generated at their homes, apartments and other residential and commercial units, and to store such material until collection. The materials to be separated are: glass containers, aluminum, steel and bimetallic cans, newspapers and plastics.



(2) From the time of placement of recyclables at the curbside, items shall become the property of the Borough, or its authorized agent. The Borough shall have the option to decide whether the Borough or the Contractor owns the recyclable placed at the curbside when preparing bid specifications for the next garbage contract. It shall be a violation of this Ordinance for any person unauthorized by the Borough to collect or pick up, or cause to be collected or picked up, any such items. Nothing in this Ordinance shall be deemed to impair the ownership of separating materials by person who generated them unless and until such materials are placed at the curbside.

(b) It shall be unlawful for a person to collect, remove or dispose of solid waste which contains glass containers, newspaper, plastic or aluminum, steel, and bimetallic cans combined with other forms of solid waste.

(c) The Borough Council, or its agent, is empowered to designate the days of the month on which recyclables shall be collected, removed and disposed of from a particular area.

(Ord. No. 2-1993, 5/13/1991, Sec. 2)

**§203. Public Notices.** The Borough shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As a part of this program, the municipal secretary shall, at least, 30 days prior to the initiation of the recycling program and, at least, once every six (6) months thereafter, notify all person occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this Ordinance. The municipal secretary shall, as deemed necessary and appropriate, place an advertisement in a newspaper circulation in the Borough of White Haven, post a notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential and/or commercial taxpayer or utilize any combination of the foregoing. (Ord. No. 2-1993, 5/13/1993, Sec.2)

#### **§204. Fees.**

(a) The fees for collection and disposal of recyclables pursuant to the terms of this Ordinance, shall be fixed by resolution of Council, and shall be subject to change.

(b) The fees provided for in this section shall be paid quarterly by the owner of the residential or commercial unit. The fee for collection and disposal or recyclables shall be the responsibility of the new owner.

(Ord. No. 2-1993, 5/12/1993, Sec. 4)

**§205. Penalties for Violation.** Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine, of not more than six hundred (\$600.00) dollars, together with costs of prosecution, and in default of the payment of

such fine and costs to undergo imprisonment for not more than 30 days. After notice, each day's neglect to comply with the provisions of this Ordinance shall be deemed a separate offense and shall be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first conviction. (Ord. No. 2-1993, 5/13/1993, Sec. 5)

**§206. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. (Ord. No. 2-1993, 5/13/1993, Sec. 6)

**§207. Severability.** If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of White Haven that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ord. No. 2-1993, 5/13/1993, Sec. 7)

**Part 3**  
**Licensing of Solid Waste Collectors**

**§301. Short Title.** This article shall be known as the "Solid Waste Collectors' Licensing Ordinance." (Ord. No. 9-1990, 11/8/1990, Sec. 1)

Editorial Note: Section 6 of Ord. No. 9-1990 provided that the ordinance take effect on November 14, 1990.

**§302. Definitions.**

(a) The term "municipal waste" shall mean, except as modified by the current contract between the designated disposal facility and Luzerne County: Any garbage, refuse, industrial lunchroom or office waste and other 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 in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

**§303. Licensing of Collectors.**

(a) General Requirements:

(1) No person shall act as a municipal solid waste collector in this municipality without first obtaining a license from the Borough pursuant to this Ordinance.

(2) Each collector's license hereunder shall be effective for a maximum of one (1) calendar year, terminating on December 31<sup>st</sup> of the year for which issued and subject to renewal upon application.

(3) Application for a collector's license shall be made on a form prescribed by the Borough and made to the agency or person designated by the Borough. Each application must be accompanied by proof of adequate insurance coverage and by a fee in accordance with Subsection (b) of this section. Proof of said insurance coverage must also be submitted to the County's designated facility prior to the delivery of waste.

(4) Any collector who possesses a valid license by another municipality in the county shall be entitled to a license conditioned only upon continuing compliance with this Ordinance and any other solid waste Ordinance of this Borough.

(5) A licensee of another municipality, as provided in paragraph four (4) of this subsection above, may be issued a license if proof of a valid license in

another municipality is supplemented to the Borough, sufficient information to fill out the application for a license, and payment of a fee in accordance with subsection (b) of this section below.

(6) No license is transferable from one collector to another or one vehicle to another.

(7) Upon receipt of said application and fee, the agency or person designated by the Borough shall either issue or refuse to issue a license to the applicant within 30 days.

(b) Licensing Fees – the fee for such license shall be one hundred (\$100.00) dollars per collector, with an additional charge of two dollars (\$2.00) per vehicle per calendar year.

(c) Management and Collection Requirements:

(1) All vehicles used for the collection and transportation of municipal waste must satisfactorily comply with the regulations of the Commonwealth of Pennsylvania and any other solid waste Ordinance of the Borough.

(2) All collectors shall place a copy of the license in each vehicle operated in the municipality. Each vehicle shall bear the number of the license plus a sequential number referring to the vehicle in a conspicuous location on the exterior of the vehicle.

(3) All vehicles shall be inspected and reinspected annually by an agent designated by the Borough.

(4) No licensed collector shall dispose of any municipal waste collected in the Borough, except at the disposal facility designated by an executed contract with Luzerne County.

(5) The penalty for violation of this Ordinance or for operating without a license in accordance with this Ordinance shall be five hundred (\$500.00) dollars plus all court costs and revocation of the license. Each day that a violation continues shall constitute a separate violation.

(6) It is the responsibility of the Borough to ensure that all terms and conditions of this Ordinance, the Luzerne County Municipal Waste Management Plan and the Luzerne County designated disposal facility contract are complied with by the collectors. (Ord. No. 9-1990, 11/8/1990, Sec. 4)