CHAPTER 20

SOLID WASTE

PART 1

SOLID WASTE MANAGEMENT

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PART 1

SOLID WASTE MANAGEMENT

§101. SHORT TITLE.

This Part shall be known and may be cited as the "Solid Waste Management Ordinance of the Borough of New Oxford."

(Ord. 339, 11/6/1989, §1)

§102. DECLARATION OF POLICY.

It is hereby declared to be the purpose of this Part to coordinate and to regulate the storage, collection, transportation, processing and disposal of all solid waste materials as herein defined in order to protect the Borough of New Oxford (hereinafter referred to as "municipality").

(Ord. 339, 11/6/1989, §2)

§103. DEFINITIONS.

For the purpose of this Part, the following words and phrases shall have the meaning given herein:

ACT 101 - the Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 556, signed by the Governor on July 28, 1988.

AUTHORIZED COLLECTOR - a person, individual, partnership or corporation or employer or agent thereof, authorized by contract with the Borough to collect solid waste or recyclable materials from residential, municipal, commercial and institutional properties as herein defined under the terms and conditions of this Part.

BULKY WASTE - large items of refuse including, but not limited to, appliances, large auto parts, furniture and large trees and branches which require collection in other than conventional compactor refuse collection vehicles.

COMMERCIAL PROPERTIES - all properties used for industrial, municipal or commercial purposes, provided that multiple dwelling residential buildings containing more than four dwelling units, unless the units are individually owned with separate entrances from the outdoors, for the purposes of this Part, shall be treated as commercial properties.

COMMONWEALTH - the Commonwealth of Pennsylvania.

COMPOSTABLE MATERIAL - organic waste which is capable of undergoing composting.

COMPOSTING PLANT - a facility at which composting is done.

CONTAINER - can, mechanical bin, box or disposable container used for storage of refuse.

COUNTY - the County of Adams, Pennsylvania.

DETACHABLE CONTAINER or MECHANICAL BIN - any metal container which may be mechanically lifted and emptied into the collection vehicle.

DISPOSAL SITE - a site, location, tract of land, area or premises used or intended to be used for solid waste disposal.

DROP-OFF CENTER - a location established by the Borough or a private organization for the receipt and temporary storage of recyclable materials.

DUMP - a site for the consolidation of waste from one or more sources which has little or no management.

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

FARM PROPERTY - a parcel of land with at least 5 acres of land devoted to agriculture; either to raising crops, nursery stock, Christmas trees, livestock, poultry or pasture.

FERROUS CONTAINERS - empty, steel or tin food or beverage containers which attract a magnet.

GARBAGE (FOOD WASTE) - animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals or human or animal excrement.

GLASS CONTAINERS - bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain and ceramic products.

GOVERNING BODY - the elected officials of the Borough.

HAZARDOUS WASTE - solid waste that is especially harmful or potentially harmful to public health as defined in the Pennsylvania Solid Waste Management Act (Act 97). This shall include, but not be limited to, explosives, toxic materials and medical wastes. For purposes of this Part, hazardous waste does not include small quantities of such

waste available on a retail basis to the homeowner (e.g., aerosol cans, fertilizers, herbicides, household cleaners, paints, pesticides, etc.).

HOUSEHOLD SOLID WASTE - see "residential solid waste."

INCINERATOR - an enclosed device designed to burn or oxidize solid, semisolid, liquid or gaseous wastes. Incinerators use auxiliary fuels (natural gas, oils, etc.) and combustion air controls. An incinerator must also have air pollution control devices to treat exhaust air prior to release into the outdoor atmosphere. Homemade burning units made of block, brick, tanks, drums or barrels are not considered incinerators and cannot be licensed to burn. [Ord. 339-A]

LANDFILL - see "municipal waste landfill."

MUNICIPALITY - the Borough of New Oxford, Adams County, Pennsylvania.

MUNICIPAL FACILITIES - the buildings, equipment lands and other facilities owned or controlled by the municipal government, such as the township municipal building or Borough Hall, police station, municipal garage, etc.

MUNICIPAL SOLID WASTE - 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.

MUNICIPAL WASTE LANDFILL - a PaDEP approved method of disposing of refuse on land without creating nuisances or hazards to the public health or safety, as otherwise required by the rules and regulations for Municipal Waste Landfills, Chapter 273 of Article VII, Title 15, Environmental Resources, Pennsylvania Bulletin, Vol. 18, No. 15, April 9, 1988. [Ord. 384]

OPERATOR - any person who manages any solid waste storage, transfer, processing or disposal operation.

PaDEP - the Pennsylvania Department of Environmental Protection. [Ord. 384]

PERSON - any individual, firm, partnership, corporation, cooperative enterprise, trust, Federal institution or agency, State institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law and is the subject of rights and duties.

PROCESSING FACILITY - a plant, establishment, set of equipment or other operation which possesses, handles or otherwise modifies materials provided to it.

REFUSE - all solid wastes, except body wastes; and shall include, but is not limited to garbage, ashes, bulky waste and rubbish; except that refuse shall specifically exclude hazardous waste.

REGULATIONS - the Borough solid waste regulations for the Borough of New Oxford, issued as provided by this Part.

RESIDENTIAL PROPERTIES - an occupied single or multifamily dwelling having up to four dwelling units per structure, or each unit in a multifamily structure if the dwelling units are individually owned with separate entrances.

RESIDENTIAL SOLID WASTE - ordinary trash or solid waste generated by a residential household.

RESIDUES - solid materials remaining after burning including, but not limited to, ashes, metals, glass, ceramics and unburned organic substances.

RESIDUAL WASTES - waste resulting from industrial, mining or agricultural operations; and sludge from a water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous.

RESOURCE RECOVERY FACILITY - a plant, establishment, set of equipment or other operation which recovers useful materials and/or products including heat, electricity and/or recyclable materials from otherwise waste materials.

RUBBISH - solid waste exclusive of garbage (e.g. nonrecyclable glass, metal, paper, or plastic and noncompostable plant material, wood or nonputrescible solid waste).

SALVAGE OPERATION - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, automobiles, metals, chemicals, shipping containers or drums.

SALVAGING - the controlled removal of reusable materials at a salvage operation.

SANITARY LANDFILL - see "municipal waste landfill."

SCAVENGING - uncontrolled or unauthorized removal of solid wastes.

SOLID WASTE - ashes, bulky items, garbage, refuse, residues, trash, rubbish and other wastes including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials, as defined in the Act of July 7, 1980 (P.L. 380, No. 97) known as the Pennsylvania Solid Waste Management Act (SWMA).

SOLID WASTE MANAGEMENT - the purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SWMA - the Act of July 7, 1980 (P.L. 380, No. 97) known as the Pennsylvania Solid Waste Management Act.

TIPPING FEE - the charge or cost to tip, dump or otherwise dispose of a load of materials such as municipal solid waste at a processing or disposal facility.

TRANSFER STATION - a facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

TRASH - ordinary residential household or commercial solid waste.

WASTE - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term shall not include source separated recyclable materials.

WASTE-TO-ENERGY PLANT - a facility used for the incineration of solid waste and the production of steam and electricity or other useful forms of energy.

(Ord. 339, 11/6/1989, §3; as amended by Ord. 339-A, 10/3/1994, §3; and by Ord. 384, 6/7/1999)

§104. RESPONSIBILITY.

The Borough of New Oxford shall be responsible for the oversight of all aspects of solid waste management within the Borough and shall be responsible for enforcing any violations of this Part or of any of the regulations issued hereunder.

(Ord. 339, 11/6/1989, §4)

§105. MANDATORY COLLECTION.

It shall be mandatory for every dwelling unit and commercial establishment within the Borough to have all their solid waste collected in accordance with the schedule set forth in §112 of this Part by the authorized collector and to be responsible for the payment of said collection according to the fees set forth in §108 of this Part.

(Ord. 339, 11/6/1989, §5)

§106. UNAUTHORIZED COLLECTION.

It shall be unlawful for any person other than an authorized collector to collect and haul solid waste of any nature within or from the Borough.

(Ord. 339, 11/6/1989, §6)

§107. MUNICIPAL CONTRACTS.

All solid waste within the limits of the Borough shall be collected and removed by an authorized collector who shall be under contract with the Borough for the collection thereof,

and shall be disposed of by such authorized collector as set forth hereinafter, and/or in the manner provided for in said contract. All such contracts shall be entered into from time to time as shall be authorized by Council, such contracts to be executed by the President and Secretary of Council over the seal of the Borough, and shall contain, in addition to the requirements of this Part, such other provisions not in conflict herewith as may be deemed advisable, and to require that the authorized collector shall deliver to the Borough a bond in such amount as is deemed necessary and reasonable under the circumstances, with security approved by the Council, conditioned for the faithful performance of the contract.

(Ord. 339, 11/6/1989, §7)

§108. FEES.

1. Residential Customers.

   A. The fees for collection and disposal of solid waste from residential property 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 solid waste collected or collection costs vary. However, all such fees shall be at a uniform rate per residential customer per quarter.

   B. The fees herein provided shall be paid quarterly by the owner of the dwelling unit. The fee for solid 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. Solid waste collection fees will be billed quarterly in January, April, July and October of each year for service supplied during the 3 month period preceding the date of such bill. A penalty of 10% will be added to all bills not paid by the due date. Interest at the rate of 1% per month or fraction thereof will be charged against the amount of any bill, plus the penalty, not paid within 60 days of the due date. Delinquent accounts are subject to stoppage of service without notice. Upon stoppage, service will be resumed thereafter only on payment of all accumulated fees for the period of collection and noncollection, as well as all penalties assessed against the account. The stoppage of service herein provided shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by action in assumpsit, by municipal lien or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

   D. Any dwelling unit which is totally unoccupied and which generates no solid waste 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 the full quarters.

2. Commercial Properties.

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

B. The fee set for collection of solid waste of commercial properties shall be paid quarterly by the owner, tenant, lessee or occupant of the premises, but shall be the ultimate responsibility of the property owner. Should the property change ownership, unsettled charges shall become the responsibility of the new owner.

C. Solid waste collection fees will be billed quarterly in January, April, July and October of each year for services supplied during the 3 month period preceding the date of such bill. A penalty of 10% will be added to all bills not paid by the due date. Interest at the rate of 1% per month or fraction thereof will be charged against the amount of any bill, plus the penalty, not paid within 60 days of the due date. Delinquent accounts are subject to stoppage of service without notice. Upon stoppage, service will be resumed thereafter only on payment of all accumulated fees for the period of collection and noncollection, as well as all penalties assessed against the account. The stoppage of service herein provided shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by an action in assumpsit, by municipal lien or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

3. For purposes of this Section, a "quarter" shall be defined as any one the following 3 month calendar periods: January, February and March; April, May and June; July, August and September; October, November and December.

(Ord. 339, 11/6/1989, §8)

§109. DUTY OF OWNERS AND OCCUPIERS OF PROPERTY NOT TO ACCUMULATE SOLID WASTE.

1. No person shall permit any solid waste to accumulate and be stored or placed outside the residence or other buildings upon property owned or occupied by said person in the Borough for a period of longer than 7 days.

2. Owners and occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.

3. Owners, occupiers and tenants of farm property are not subject to the provisions of subsections (1) and (2), above.

4. All solid waste accumulated on any residential property in the Borough shall be collected, conveyed and disposed of by an authorized collector in accordance with the provisions of this Part.

5. All solid waste accumulated on commercial, institutional and municipal properties shall be collected as scheduled under the terms hereof; provided, however, that upon

application to the Borough the manner of collection service may be agreed upon privately with the authorized collector.

6. It shall be unlawful for any person to collect and dispose of any solid waste within the Borough except as provided in this Part.

(Ord. 339, 11/6/1989, §9)

§110. UNLAWFUL SOLID WASTE.

1. It shall be unlawful to keep or allow in or about any dwelling or upon any land or other premises within the Borough solid waste of any kind which is obnoxious or offensive by reason of dust or odor, or which attracts insects and vermin, except in covered receptacles. The accumulation of any of said solid waste so as to constitute a menace to the health and safety, it being a presumption that such a menace exists when more than 7 days have elapsed after such solid waste is originally retained, accumulated or permitted to accumulate in the open; and nothing herein contained shall be construed to permit the retention of any solid waste which is or becomes obnoxious or offensive by reason of dust or odor, or which attracts insects or vermin.

2. No volatile liquids, explosives, radioactive material or containers which would explode upon contact with heat or fire shall be placed for collection, except that small household spray cans which must be used up completely prior to discard.

3. No hazardous waste shall be stored or placed for collection on residential property except for small quantities of such waste normally found in the household and available on a retail basis to the homeowner.

(Ord. 339, 11/6/1989, §10)

§111. STANDARDS AND REGULATIONS FOR STORAGE PRIOR TO COLLECTION.

1. Every person shall provide sufficient approved containers for receiving and holding solid waste. Containers shall be kept in a sanitary condition at all times.

2. Garbage (food waste) and rubbish shall be stored in a container which shall have a tight fitting cover, have suitable handles, water tight and fly proof, and able to be carried easily by the collector.

3. Garbage (food waste) shall be drained of liquids.

4. Containers shall be kept tightly covered at all times.

5. Containers shall be stored on the owner's property.

6. When mechanical bins or detachable containers are in use, they shall be easily accessible to the collection vehicle.

7. All solid waste shall be stored in containers, except yard waste, glass, metal and newspapers, magazines or books.

8. Yard waste may be placed in plastic trash bags or may be placed next to containers if it is tightly secured, not more than 4 feet in length, nor more than 20 inches in diameter and not more than 50 pounds in weight.

9. The Borough specifically reserves the right to modify and to specifically provide for some other receptacle for the handling of solid waste, which the Borough Council may at some future time deem to be acceptable, appropriate and beneficial for handling of said solid waste material.

(Ord. 339, 11/6/1989, §11)

§112. STANDARDS AND REGULATIONS FOR COLLECTION.

1. Collection Requirements.

   A. All household solid waste shall be collected at least once each week, with the exception of recyclable materials, bulky waste and dead animals. All commercial, institutional, other municipal and industrial solid waste shall be collected as often as required to prevent accumulation of the volumes generated and to avoid or prevent environmental problems.

   B. Bulky waste, dead animals, etc., shall be collected as necessary (see below).

2. The authorized collector of household solid waste shall establish, record and publish or make available to all households and other customers, regular collection schedules. If a collection day falls on a holiday, the collector shall notify all customers of when the collection will be made.

3. All collection and transportation vehicles shall be constructed of metal or other impervious materials, able to be enclosed or fitted with a cover which will be used to prevent spillage of the contents, except recyclable materials may be collected and transported in open vehicles. All waste materials dropped on streets or roads shall be immediately picked up.

4. All vehicles shall be cleaned at sufficient frequency to prevent nuisance or insect breeding.

5. Place of Collection.

   A. Refuse containers shall, for the purpose of collection, be placed at the curb or street line, at ground level and made readily accessible to the collector. No yard waste,

trash, refuse or refuse containers shall be placed for collection earlier than sunset of the evening prior to a scheduled collection date. For purposes of this provision, the time of sunset shall be determined by the time of sunset which is published in a newspaper of general circulation in Adams County on the date in question. [Ord. 376]

B. Notwithstanding the provisions of this Part, residential property owners, commercial establishments or other persons may, by mutual agreement with an authorized collector, be permitted to place containers at a location on their property other than as specified in subsection (A), above.

C. Collections shall be made from all properties throughout the Borough. This shall include all streets, dedicated or otherwise, and shall include those streets that are temporarily closed for repairs or construction. In the latter case, special collection points shall be designated by the Borough Council if the condition of the street will prevent access thereto by the collector's truck.

6. Frequency of Collection.

A. Collection; Schedule and Routes. The authorized collector shall collect solid waste, as defined herein, throughout the Borough on routes and schedules developed and mutually agreed upon by the Borough Council and the collector and may be modified from time to time as necessary and as agreed upon by the Borough Council.

B. Solid waste collection shall not be made on the following holidays: January 1 - New Year's Day; last Monday of May - Memorial Day; July 4 - Independence Day; first Monday of September - Labor Day; fourth Thursday of November - Thanksgiving Day; December 25 - Christmas Day, or other holidays established in advance by the authorized collector. The authorized collector shall provide at least 2 weeks prior notification to every household in the collection route of any other holidays or week days on which there will be no collection service.

C. Hours. Collection shall be made at those hours mutually agreed upon between the collector and the Borough Council. Hours agreed upon shall be so indicated within the collection contract with the authorized collector.

D. Cleanup and Special Collections. The authorized collector shall, on scheduled routes, cooperate with special cleanup drives as may be promulgated by the Borough Council, which shall not exceed two in number in any one year. In addition, upon request, the collector shall provide a separate and special collection on a day or days as may be required, in order to collect abandoned Christmas trees.

7. Collection of Bulky Wastes (i.e., Large Objects, Used Appliances, Etc.). The person requiring removal from the premises and disposal of large objects, such as mattresses, bed springs, used appliances, etc., shall make special arrangements with the authorized

collector or other private collector/hauler to have the items taken to an approved disposal facility.

8. Collection of Demolition Debris and Construction Wastes. The person requiring removal from the premises and disposal of demolition debris and construction wastes shall make special arrangements with the authorized collector or other private collector/hauler to have the debris or waste taken to an approved disposal facility.

9. Dead Animals. Any person who observes a dead animal on a public roadway or wishes the collection and disposal of a dead animal from private property shall notify the nearest County or State health department to have the dead animal removed and transported to an approved disposal facility.

10. Hazardous Wastes. All hazardous wastes shall be stored, collected, transported, processed and disposed of as provided by the Pennsylvania Solid Waste Management Act (Act 97) and appropriate Federal statues and regulations.

11. Farm Wastes. Animal manure and other farm wastes are excluded from the provisions of this Part and any regulations issued therefrom.

12. Leaf Wastes. In accordance with Act 101, §1502(a), after September 26, 1990, no yard waste containing solely leaves, leaf wastes or other material consisting primarily of dead leaves may be placed for collection by any person unless the leaves or leaf wastes are to be composted.

13. Industrial Residues. Residues from industrial operations are excluded from the provisions of this Part and any regulation issued therefrom.

14. Septic and Other Sludges. Materials removed from septic tanks, storm drains, manholes and other sludges are excluded from the provisions of this Part and any regulations issued therefrom.

(Ord. 339, 11/6/1989, §12; as amended by Ord. 376, 7/6/1998, §1)

§113. COLLECTION VEHICLES, EQUIPMENT AND PERSONNEL.

1. All vehicles used for collection of solid waste, except recyclable materials and large, bulky wastes, shall have enclosed cargo space, unless such collection is done by private individuals from solid waste generated on private property; at which time appropriate containers shall be utilized; and all other provisions of this Part affecting such collection shall be adhered to.

2. It shall be unlawful to collect, haul, transport or convey solid waste in open, unenclosed vehicles, unless such refuse is hauled from private property by the owner; except that open-type vehicles may be used for the collection of clean, nonputrescible recyclable materials such as newspapers, glass and metals and for the collection of large items of

debris which cannot, because of size, be collected by ordinary means, in accordance with the provisions of §112.

3. Trucks shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the laws of the Commonwealth of Pennsylvania, the County of Adams and the Borough.

4. The authorized collector shall furnish proof of ownership of the vehicles to be used, or must produce in writing a lease or rental agreement between the titled owner of the vehicles and the collector.

5. Vehicles and equipment shall not be overloaded so that garbage or trash may spill or drop on the highways or streets, and the equipment shall be so designed or maintained so as to prevent the leakage of fluids. All trucks shall be regularly cleaned and kept in proper condition and shall bear the name and address of the contractor plainly visible on both cab doors.

6. All vehicles shall be inspected by a designated agent of the Borough for the compliance with the provisions of this Part, prior to the execution of any contract as provided for in §107, and shall thereafter be inspected every year on or before the anniversary date of said contract.

7. Each truck shall be manned by at least one driver and one helper, except as approved by the Borough Council.

8. Each truck shall have at least one broom and shovel to clean up refuse that may be spilled or otherwise scattered during the process of collection.

9. The authorized collector shall file with the Borough Council a list of all vehicles and equipment with identification information thereon. Change in equipment shall be promptly reported to the Borough Council so that at all times the records will be correct and accurate.

10. The authorized collector, at his, her or its expense, shall store and park the equipment at a convenient and lawful place. No trucks or equipment may be parked or stored on any street within the Borough, except during actual collection periods.

11. The authorized collector shall be required to have liability, automobile insurance and such other insurance coverage as the Borough deems necessary in amounts established by the Borough Council; and the authorized collector shall provide appropriate certifications thereof.

(Ord. 339, 11/6/1989, §13)

§114. STANDARDS AND REGULATIONS FOR STORAGE AFTER COLLECTION.

1. All storage of solid waste after separation of recyclable materials and collection and before disposal shall only be in transfer stations which conform to the regulations of the Commonwealth of Pennsylvania, the County of Adams and the Borough. The only exception shall be full or partially-full collection vehicles which have made a final pick up for the day. In no case shall such collection vehicles be permitted to hold solid waste longer than 24 hours.

2. Storage of recyclable materials after collection may be in authorized drop-off centers or recycling centers.

3. All plans and specifications for transfer stations shall be submitted for approval and permit issuance to the Borough, the County of Adams and to the Commonwealth of Pennsylvania. A permit must be received from the Commonwealth before operation commences.

4. All storage of solid waste in transfer stations shall be limited to no more than 48 hours.

5. Operators of transfer stations must submit to the Borough a contingency plan for the disposition of solid waste which is not able to be removed from the site within 48 hours because of an emergency situation.

(Ord. 339, 11/6/1989, §14)

§115. STANDARDS AND REGULATIONS FOR DISPOSAL.

1. It shall be unlawful for any collector to dump, process, destroy, bury or otherwise dispose of solid waste within the jurisdictional limits of the Borough except as facilities approved and permitted by the Borough, the County of Adams and the PaDEP. [Ord. 384]

2. All collectors shall dispose of the solid waste from the Borough at a sanitary landfill, incinerator, composting facility, resource recovery facility, transfer station, waste-to-energy plant or other facility approved and permitted by the PaDEP or equivalent agency of another State. [Ord. 384]

3. The specific disposal site shall be designated by the Borough in its contracts with collectors.

4. All disposal regulations at the designated disposal site shall be adhered to by the collector(s).

5. All vehicles used for collection shall use, insofar as practical, State highways when proceeding to and from the designated disposal site, except when using roads or streets in those townships or boroughs where licensed to collect.

(Ord. 339, 11/6/1989, §15; as amended by Ord. 384, 6/7/1999)

§116. STANDARDS AND REGULATIONS FOR PROCESSING METHODS.

1. All solid waste processing shall be accomplished by approved methods in properly permitted facilities including, but not limited to, composting plants, incinerators, recycling centers, resource recovery facilities, waste-to-energy plants and salvage operations, conforming to all the applicable laws, ordinances and zoning requirements.

2. All plans and specifications shall be approved by the PaDEP prior to the construction and operation of such processing facilities. [Ord. 384]

3. All composting facilities, incinerators, recycling centers, resource recovery facilities, transfer stations, waste-to-energy plants and other processing facilities shall be operated so that pollution of the air will not exceed the air quality standards established by the PaDEP. [Ord. 384]

4. Residues or discards from the processing facilities shall be properly disposed at a PaDEP approved and permitted facility. [Ord. 384]

(Ord. 339, 11/6/1989, §16; as amended by Ord. 384, 6/7/1999)

§117. PROHIBITED ACTIVITIES.

1. It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal except as may be provided for in the Borough's solid waste rules and regulations promulgated under this Part.

2. It shall be unlawful for any person to salvage or reclaim any solid wastes except at a properly permitted facility in which salvage is an integral plan of operation.

3. It shall be unlawful to make garbage available for animal consumption unless such refuse has been heat-treated to kill any disease agent therein.

4. It shall be unlawful for any person to use, maintain or operate an open dump.

5. It shall be unlawful for any person(s), private or commercial, to burn any solid waste except in a manner and under conditions in accordance with the rules and regulations of the Borough, the County and licensed by the Commonwealth of PaDEP. A DEP license must be registered in the Borough Office, a public notification of such shall be given at least 30 days before final consideration by Council, and final approval by Council is necessary before license is validated. [Ord. 384]

6. It shall be unlawful for any person to throw, place or deposit or cause or permit to be thrown, placed or deposited, any solid waste in or upon any street, alley, sidewalk, body of water, public or private property except as provided in this Part.

(Ord. 339, 11/6/1989, §17; as amended by Ord. 339-A, 10/3/1994, §1; and by Ord. 384, 6/7/1999)

§118. REGULATIONS.

The collection of solid waste in the Borough and the disposal thereof shall be subject to such further reasonable rules and regulations as may, from time to time, be promulgated by the Borough Council; provided, however, that no such rules and regulations shall be contrary to the provisions of this Part or applicable law.

(Ord. 339, 11/6/1989, §18)

§119. INSPECTION PROCEDURES.

1. All containers, vehicles, equipment, transfer stations, processing facilities, disposal sites, books and records of authorized, unauthorized or prospective collectors, storers, processors and disposers are subject to inspection by the Borough Council or its authorized agent at any reasonable hour without prior notice.

2. Vehicles and equipment of collectors shall be inspected by the Borough Council or its authorized agent before being put into operation, and may be inspected on occasion by the Borough Council or its authorized agent during operation to ensure compliance with all rules and regulations prescribed by the Borough.

3. All solid waste storage, transfer, processing or disposal facilities within the Borough shall also be inspected immediately prior to commencement of operation of the site and at least once per year thereafter in concert with representatives of the Commonwealth.

4. If violations of this Part are discovered in the course of these inspections, the Borough Police and Code Enforcement Officer are empowered to enforce this Part.

(Ord. 339, 11/6/1989, §19)

§120. INSURANCE.

Prior to operation of any solid waste storage, recycling, transfer, processing or disposal facility within the Borough, the applicant shall be required to present evidence of insurance coverage.

(Ord. 339, 11/6/1989, §20)

§121. INJUNCTIVE POWERS.

The Borough Council may petition the Adams County Court for an injunction, either mandatory or prohibitive, to enforce any decision regarding the implementation and enforcement of this Part.

(Ord. 339, 11/6/1989, §21)

§122. PENALTIES.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed $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. 339, 11/6/1989, §22; as amended by Ord. 384, 6/7/1999)