

AN ORDINANCE PROVIDING FOR THE HEALTH AND WELFARE OF THE BOROUGH OF ELDRED BY REGULATING THE STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE, THE LICENSING OF SOLID WASTE COLLECTORS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The Borough of Eldred hereby ordains as follows:

SECTION 1. Short Title: This ordinance shall be known as the "REFUSE DISPOSAL ORDINANCE."

SECTION II. Definitions:

- (1) Act - The Pennsylvania Solid Waste Management Act (35 P.S. Sec. 6001 et seq.).
- (2) Air pollution - The presence in the outdoor atmosphere of any form of contaminant including but not limited to the discharges from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes or any other source of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gasses, vapors, odors, toxic or radioactive substances, inimical or potentially inimical to public health, safety or welfare; or which is, or may be injurious to human, plant or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.
- (3) Agricultural waste - Solid waste resulting from the production of farm or agricultural products.
- (4) Ashes - The residue resulting from the burning of wood, coal, coke, or other combustible material.
- (5) Bulky waste - Large items of refuse including but not limited to appliances, furniture, large auto parts, trees, branches and stumps.
- (6) Cell - Compacted refuse completely enclosed by cover material.
- (7) Collector - Any person collecting refuse in the Borough of Eldred.
- (8) Commercial waste - All solid waste emanating from establishments engaged in business. This category shall include, but is not limited to, solid waste originating in stores, markets, office buildings, restaurants, shopping centers and theaters.
- (9) Composting - The process in which solid waste is shredded or ground and then biologically decomposed under controlled anaerobic or aerobic conditions to yield a stable nuisance-free humus-like product which can be used as a soil conditioner.
- (10) Construction and demolition waste - Waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.
- (11) Department - The Department of Environmental Resources of the Commonwealth.

- (12) Disposal - The storage, collection, disposal or handling of refuse.
- (13) District - A municipality or group of municipalities operating as one entity for collection purposes.
- (14) Domestic waste or household waste - Solid waste, comprised of garbage and rubbish which normally originates in the residential private household or apartment house.
- (15) Garbage - Solid waste resulting from animal, grain, fruit or vegetable matter used or intended for use as food.
- (16) Groundwater - Water in the ground that is in the zone of saturation.
- (17) Hazardous waste - Solid waste with certain inherent dangers. This category shall include but is not limited to chemicals, explosives, pathological wastes and radioactive materials.
- (18) Incineration - The process of burning combustible solid waste to an inoffensive gas and an inert residue.
- (19) Industrial Waste - All solid waste resulting from manufacturing and industrial processes such as those carried on in factories, processing plants, refineries, slaughter houses and steel mills.
- (20) Institutional waste - All solid waste emanating from institutions such as hospitals, nursing homes, orphanages, schools and universities.
- (21) Junk car - A motor vehicle which, because of condition of repair, cannot function as a means of transportation without substantial refurbishing.
- (22) Lift - An accumulation of daily refuse cells over which an interim cover of at least 12 inches of compacted soil is placed with the intent of transversing the site with a similar lift.
- (23) Municipality - A city, incorporated town, township and borough.
- (24) Official plan - A comprehensive plan for the provision of an adequate solid waste management system adopted by a municipality, authority, county or any combination thereof possessing authority to provide or having jurisdiction over the provision of such a system, and submitted to and approved by the Department as provided in the act.
- (25) Open dump - A land disposal site which lacks proper management and is not operated with compaction and cover.
- (26) Person - Individual, partnership, corporation, association, institution, cooperative enterprise, or legal entity.
- (27) Processing of wastes - Any technology applied for the purpose of reducing the bulk of solid waste materials or any technology designed to convert part or all of the waste materials for refuse.
- (28) Refuse - All materials which are discarded as useless.
- (29) Residence - Any room group of rooms, trailer or other enclosure occupied or intended for occupancy, as separate living quarters by a family or other group of persons living together or by persons living alone.

(30) Residue - Solid materials such as ash, ceramics, glass, metal and unburned organic substances remaining after incineration.

(31) Rubbish - All solid waste except garbage and other decomposable matter. This category shall include but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

(32) Salvaging - The controlled removal of material from a solid waste processing or disposal site.

(33) Sanitary landfill - A land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards or nuisances.

(34) Scavenging - The uncontrolled removal of material from a solid waste processing or disposal site.

(35) Sewage treatment residues - Coarse screenings, grit and dewatered or air-dried sludge from sewage treatment, plants and pumpings of septic tank sludges which require disposal with municipal solid wastes.

(36) Solid waste - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agriculture and residential activities.

(37) Solid waste management system - The entire process of storage, collection, transportation, processing and disposal of solid waste by any person engaging in such process as a business or by any municipality, authority, county or any combination thereof.

(38) Surface water - All water whose surface is exposed to the atmosphere.

(39) Transfer station - A supplemental transportation facility used as an adjunct to solid waste route collection vehicles. Such a facility may be fixed or mobile and may include recompaction of solid waste. Transfer stations are designed to reduce solid waste hauling costs and to add flexibility to solid waste management systems by transferring waste materials from smaller vehicles to larger ones such as tractor trailers or railroad cars.

(40) Vector (of disease) - An animal or insect which transmits infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing infective material on the skin, on food or on another object.

(41) Water pollution - Contamination of any water of this Commonwealth which will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such water, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters.

(42) Waters of this Commonwealth - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels or conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

(43) Other - The singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION III. Service:

(a) The collection of refuse for residences within the captioned municipality will be provided solely by the Borough government of Eldred Borough or an agent appointed by said government.

(b) All residences of Eldred Borough will pay a charge, at a rate that shall be determined and agreed upon by the Eldred Borough Council and the Collector, whoever he may be.

(c) Eldred Borough or a representative or representatives appointed by said district, shall have the sole franchise to collect and dispose of refuse for residences within the captioned municipality.

(d) Eldred Borough shall have the right to determine the means and manner of collection.

SECTION IV. Storage Practices:

(a) Preparation of refuse:

1. All refuse shall be drained free of liquids before storage for collection.

2. Gargage shall be wrapped in paper and placed in a plastic garbage bag.

3. Rubbish shall be (1) placed in approved containers or (2) cut and baled, tied, bundled, stacked or packaged, so as not to exceed 36 inches in length and 50 pounds in weight.

(b) Refuse containers:

1. Refuse containers shall be made of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection.

2. Refuse containers for residences shall be of not less than 10 gallons, nor more than 30 gallons in capacity, nor more than gross weight of 40 pounds.

3. Bulk containers shall be of a type approved by Eldred Borough.

4. It shall be unlawful to permit the accumulation of residue of liquids, solids, or a combination of such material on the bottom or sides of containers, it being the intention of the provision that the interior of containers shall be kept clean by thorough rinsing, draining and disinfecting as often as necessary.

5. Refuse containers shall be lined with a plastic or paper bag liner of a type approved by Eldred Borough.

(c) Storage of refuse:

1. Each Householder, commercial establishment or person having refuse shall provide refuse containers to contain all waste materials generated during periods between regularly scheduled collection and shall place and keep all refuse therein.

2. It shall be unlawful to place refuse in any street, alley or any other public place, or upon private property, unless such refuse is placed in an approved container, except that rubbish may be stored as provided in Section V (a), (2), of this Ordinance.

3. It shall be unlawful to place refuse in any stream or body of water.

4. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage and breeding of insects and or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

(d) It shall be unlawful to store refuse in a manner other than those set forth in this section.

SECTION V. Collection Practices:

(a) Place of Collection:

1. Refuse containers shall, for the purpose of collection, be placed at ground level, and be made readily accessible to the collector by placing the said refuse at curbside.

2. Collection locations for commercial, industrial, public multi-family and other sites requiring collection frequencies or having collection quantities substantially in excess of the minimums set forth in other sections of this ordinance shall be required to maintain containers as designated by Eldred Borough.

(b) Frequency of Collection:

1. Refuse shall be collected:

(a) Once weekly from all locations designated by Eldred Borough.

(b) All locations requiring frequency of collection in excess of once a week will be furnished such collection in a manner and at a charge specified by Eldred Borough.

(c) Rubbish which cannot be contained in refuse containers of the size set forth in Section IV (b) (2) of this ordinance will be collected as scheduled by Eldred Borough.

(d) Authorization of Collectors:

1. No person shall collect remove, haul, or convey refuse through or upon any of the streets or alleys of the Borough or dispose of the same in any manner or place without first having secured a permit from said Borough pursuant to the provisions hereinafter set forth.

2. Any individuals seeking authorization to collect refuse within the boundaries of the Borough of Eldred shall make application unto said Borough on a form provided therefore; upon receipt of said application and the nonrefundable fee for processing said application as established by the Borough Council, a determination shall be made by the Borough Council as to whether a permit shall issue, taking into consideration such factors as the reputation of the applicant, financial responsibility of the applicant, the type and quality of the service being proposed, the rate proposed and the need for additional service in the Borough. If the Borough Council determines that the applicant is eligible to receive a permit, said permit shall issue upon payment of the permit fee as established by the Borough Council. All applicants shall be notified in writing where it is determined that a permit shall not issue.

3. No authorized collector shall make any change in the arrangements for disposal of refuse collection by him without first receiving the approval of Eldred Borough.

4. It shall be unlawful to permit an unauthorized collector to collect or remove refuse from a household, institution, or commercial enterprise.

5. No provision in this section is intended to prohibit the transport of material, for recycling to any lawfully existing commercial, public, or private recycling facility.

6. In the event that said Borough Council shall determine that a collector to whom a permit has been issued has violated any of the provisions of this ordinance or of any state law pertaining to the collection or disposal of solid wastes, then the Borough Council shall have the right to revoke said permit and any authorization of collector to collect solid waste in Eldred Borough.

(d) Collection Vehicles:

1. Solid Waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

2. Collection and transportation equipment shall be designed and constructed so as to be leak-proof, easily loaded, readily emptied and easily cleanable. The waste shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors or creation of other nuisances.

3. Collection and transportation vehicles shall be kept in a clean and sanitary condition.

4. All vehicles used for collection of garbage shall be equipped with closed bodies and shall have enclosed cargo space.

5. It shall be unlawful to collect, haul, transport, or convey in open unclosed vehicles, except as specially licensed by Eldred Borough for the special waste problems.

SECTION VI. Disposal of Refuse:

(a) It shall be unlawful to dump, burn, bury, destroy, or otherwise dispose of refuse except for leaves, trees, construction debris, destruction debris or controlled burning, within the jurisdictional limits of Eldred Borough, except at the sites authorized by Eldred Borough, and in a manner approved by Eldred Borough.

(b) Septic tank cleaning contractors shall be required to maintain a record showing their disposal operations which must be open to inspection to representatives of Eldred Borough.

(c) Any lawfully established recycling facility will be issued a permit for the purpose without charge for the permit.

(d) All refuse which is collected pursuant to a permit issued under the provisions of this ordinance shall be disposed of in accordance with law at an approved landfill operation within McKean County.

SECTION VII. Seasonal Collection Minimums:

(a) Frequency:

1. Seasonal customer, such as hunting camps, cottages, campers, trailers (temporary or mobile), will receive weekly collection service for a period not exceeding 6 months per annum, upon request and at prevailing rates.

2. Refuse which cannot be contained in refuse containers of the size set forth in Section IV (b) (2), of this ordinance will be collected as scheduled by Eldred Borough.

SECTION VIII. Collection Charges:

(a) Billing:

1. Bills for collection and or disposal services shall be in a manner and at a frequency to be determined by the collector and the Borough of Eldred.

2. The collector is responsible for securing payment of collection charges.

3. The person responsible to pay the fee set forth in the ordinance for collection of refuse for each residence shall be the person with legal title to said premises.

SECTION IX. Penalties:

(a) Any person who shall violate any provisions of this ordinance shall upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$300.00 or in default of payment of such fine, then to imprisonment for not more than 30 days.

(b) Each day's continuance of a violation of this ordinance may constitute a separate offense.

SECTION X. Refusal of Non-Compatible or Hazardous Materials, Right of Authority to Impose Special Regulations on Non-Compatible or Hazardous Materials.

(a) The McKean County Solid Waste Authority shall have the right to refuse to accept any materials which may not be compatible with the disposal technology employed. The decision of the Authority on this matter shall be absolute.

(b) Chemicals, poisons, explosives, radiological wastes and other hazardous materials shall not be collected with regular scheduled pickups. If the Authority determines to attempt to handle this material special Rules and Regulations will be established for this purpose. If the Authority is unable to handle this material at its disposal site, it will be required that the generator of such waste make independent provisions for its disposal, which will be in compliance with minimum standards of the Pennsylvania Department of Environmental Resources for hazardous waste as delineated in their most recent Rules and Regulations governing this item.

(c) Collection and transportation of chemical, poisons, explosives, radiological wastes and other hazardous materials, either by the generator of these wastes, an agent of the generator of these wastes, or others, shall be in accordance with the requirements of State and Federal regulatory controls for such wastes.

(d) Hazardous waste shall not be allowed to accumulate in violation of Section IV (c) of this ordinance.

SECTION XI. Commercial waste:

(a) Sections III (a), III (b), III (c), V (a), V (b), V (c), V (d)(4), VIII shall not apply to commercial waste.

SECTION XII. Saving Clause:


The invalidity of any section or provision of this ordinance shall not invalidate any other section, provision, or part of it.

SECTION XIII. Effective Date:

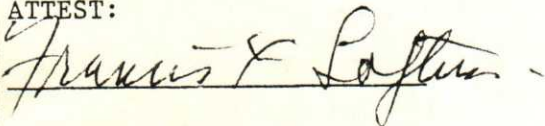
This ordinance shall take effect on July 1, 1978.

SECTION XIV. Adoption:

Approved, ordained and enacted this 17th day of May, 1978.

  
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President of Borough Council

ATTEST:

  
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Approved this 17th day of May, 1978.

  
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Mayor