

CHAPTER 20

SOLID WASTE

Part 1

Storage, Collection and Disposal of Garbage and Refuse

§101. Approval of Plan

§102. Definitions

§103. Prohibitions

§104. Licenses

§105. Management and Collection Requirements

§106. Recycling Reports Required

§107. Operations by Licensed Collectors

§108. Anti-Scavenging Provisions

§109. Private Dumps and Landfills Prohibited

§110. Nuisances Prohibited

§111. Penalties

§112. Abatement of Nuisances

§113. Regulations

§114. Amendments, Contract

Part 2

Recycling

§201. Definitions

§202. Mandatory Recycling

§203. Recyclable Materials Borough Property; Scavenging Prohibited

§204. Containers Borough Property; Storage of Containers

§205. Education; Public Notice

§206. Leaf Composting

§207. Enforcement; Incentives; Penalties

Part 1

Storage, Collection and Disposal of Garbage and Refuse

§101. Approval of Plan.

The County Plan, as amended, is hereby approved; such documents together to constitute the Solid Waste Management Plan of and for this municipality under the Act, and the proper officials of the County are hereby authorized to file such documents with DER for purposes of approval under the Act.

(Ord. 596, 9/14/1983, §1; as amended by Ord. 712, 10/10/1991, §1)

§102. Definitions.

The following terms shall have the following meanings in this Part:

COLLECTOR—Any person collecting or transporting municipal solid waste or recyclables for owners or occupants of property in the municipality, including the municipality itself if it undertakes the collection of municipal solid waste directly, and any business or institution within the municipality which generates sufficient municipal solid waste to require disposal directly by its own employees and equipment.

DUMPSTER—A large container for the temporary storage of solid waste materials, debris and/or recyclable materials, that can be emptied into refuse trucks for the removal of the contents. These containers are usually sized from one (1) cubic yard to less than ten (10) cubic yards. [Ord. 905]

MUNICIPAL SOLID WASTE—Any garbage, refuse, industrial lunchroom or office waste, and other material including solid, semi-solid material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, but not including any liquid waste or sludge, and other solid waste which is within the definition of “municipal solid waste” as set forth in the Act, excluding: (1) all wastes which are defined by Federal or State law or regulations as hazardous waste or residual waste; and (2) any waste which the generator thereof may dispose of for cash or other actual value.

PERSON—Any individual, partnership, association, corporation or governmental entity.

ROLL-OFF BOX—A large container for the temporary storage of solid waste materials, debris and/or recyclable materials, that is delivered to a site by means of a flatbed truck, placed on said site through a hydraulic mechanical means, and, when full, removed from the site through the same means. These containers usually range in size from ten (10) cubic feet to forty (40) cubic yards. [Ord. 905]

SOLID WASTE

TRASH CONTAINER—A leak proof, container that holds rubbish and waste until it is collected. [Ord. 905]

Certain terms used herein are also defined in the recitals hereto.

(Ord. 596, 9/14/1983, §2; as amended by Ord. 712, 10/9/1991, §2; and by Ord. 905, 6/3/2009)

§103. Prohibitions.

1. It is hereby declared to be a public nuisance and unlawful for any person to accumulate upon any property in this municipality municipal solid waste or to dispose of it except in accordance with this Part.
2. It is hereby declared to be unlawful for any person to act as a collector in this municipality without first obtaining a license from the municipality pursuant to this Part and such additional requirements as the municipality may by appropriate action hereafter establish, which licenses, however, shall all require the licensees to comply with the provisions of this Part. The municipality hereby reserves the right to limit the number of such licenses.

(Ord. 596, 9/14/1983, §3)

§104. Licenses.

1. Each collector's license hereunder shall be effective for a maximum of one (1) calendar year, terminating on June 30th of the year for which it was issued, subject to renewal upon application. No license heretofore or hereafter issued shall be transferable and is subject to revocation by the governing body of this municipality.
2. Application for a collector's license hereunder shall be made on a form provided by the municipality. The application must be accompanied by a license fee which is hereby established as one hundred dollars (\$100.00).
3. Upon receipt of said application by the municipality, the municipality will examine the application and may require the applicant to make his/her trucks available for an inspection and within a reasonable period thereafter shall either issue a license or refuse to issue a license to the applicant, stating the reasons for such refusal.
4. The municipality may refuse to issue a license to any collector if the collector failed to submit recycling reports as required in §106 of this Part. A license may be refused for any collector who is habitually late in submitting the aforesaid recycling reports.

(Ord. 596, 9/14/1983, §4; as amended by Ord. 712, 10/9/1991, §3)

§105. Management and Collection Requirements.

1. All vehicles used for collection and transportation of municipal solid waste must satisfactorily comply with all safety regulations of the Commonwealth of Pennsylvania and shall have safety devices, including, but not limited to, the following: exterior rear-view mirror; back-up lights; four-way emergency flashers; easily accessible first-aid equipment; easily accessible fire extinguisher; and audible reverse and warning device.
2. If a crew member rides outside the cab of the collection vehicle for short trips, the vehicle shall be equipped with hand holds and platforms large enough to safeguard against slipping.
3. All vehicles used for the collection and transportation of municipal solid waste shall be enclosed or adequate provisions shall be made for suitable covers; the vehicles shall be metal and leak-resistant.
4. Equipment used for the collection and transportation of municipal solid waste shall be maintained in good condition and kept clean to prevent the propagation or attraction of vectors and the creation of nuisances.
5. The collection vehicle operator shall be responsible for immediately cleaning up all spillage caused by his operation, for protecting private and public property from damage resulting from his operations, and for creating no undue disturbance of the peace and quiet in areas where he operates.

(Ord. 596, 9/14/1983, §5)

§106. Recycling Reports Required.

1. All collectors providing municipal solid waste and recycling collection service to apartment buildings, apartment complexes, commercial profit organizations, governmental offices, and other similar establishments within the Borough of Stroudsburg shall submit quarterly recycling reports due on January 15, April 15, July 15, and October 15 of each year. The reports shall remit recycling information for the quarter preceding the due date. The quarterly reports shall state: the customers' names and addresses for whom recycling collection is provided; the recyclable materials being collected; the total weight of every recyclable material, as listed in Act 101, collected from the collector's recycling customers. The report shall list only customers from the Borough of Stroudsburg. The quarterly reports must be notarized by a Notary Public.
2. All recyclable materials collected by the collectors through agreements with their customers shall be recycled—that is, taken to a recycling facility or directly to a plant which uses the recyclable. The Twin-Borough Recycling Program reserves the right to inspect any records to verify the reports.

(Ord. 596, 9/14/1983, §6; as amended by Ord. 712, 10/9/1991, §4)

SOLID WASTE

§107. Operations by Licensed Collectors.

Unless and until this municipality subsequently determines to engage directly in the activities of a collector, licensed collectors shall be responsible for receiving municipal solid waste from properties in the municipality pursuant to contracts between them and the owners or occupants of property. As contemplated in the plan, all collectors shall dispose of all municipal solid waste collected within the municipality at the landfill, and in compliance with such reasonable regulations for the operation thereof. Disposal at any other place shall be a violation of this Part and cause for revocation of the collector's license, except in special circumstances approved in advance by the municipality and the Authority. All collectors shall comply in their operations with regulations of the municipality and with all applicable law. Violation of such regulations or law shall be a cause for the revocation of the collector's license upon such notice as the municipality may determine to be reasonable.

(Ord. 596, 9/14/1983, §7; as amended by Ord. 712, 10/9/1991, §5)

§108. Anti-Scavenging Provisions.

No person shall handle, take or remove municipal solid waste or recyclables set out for collection unless duly licensed by the municipality. Any person who picks up said solid waste for his or her own use shall be guilty of an infraction of this Part.

(Ord. 596, 9/14/1983, §8; as amended by Ord. 712, 10/9/1991, §6)

§109. Private Dumps and Landfills Prohibited.

No person shall use or permit to be used any property owned or occupied by him within the municipality as a public or private dump or landfill for municipal solid waste, whether generated within the municipality or elsewhere within the boundaries of the County.

(Ord. 596, 9/14/1983, §9)

§110. Nuisances Prohibited.

1. No person shall accumulate municipal solid waste upon any property owned or occupied by him in the municipality except in such limited quantities and for such limited periods of time as shall insure that no air or visual pollution or health or fire hazard shall be created thereby and any other accumulation thereof on any premises is hereby declared to be a nuisance and is prohibited.
2. Storage of Refuse and Garbage.
 - A. Every tenant, occupant, or owner of any premises or property in the Borough of Stroudsburg on which refuse is produced, created or accumulated shall provide for safe, sanitary and adequate storage of the same pending collection

or disposal in accordance with the provisions of this Chapter.

- B. It is unlawful for any person occupying or maintaining any premises within the Borough of Stroudsburg where garbage is created, produced, or accumulated to fail or neglect to procure and maintain a standard container for receiving and holding without leakage or escape of odors, all garbage which is produced, created, or accumulated upon such premises and all such persons shall deposit all such garbage in such a standard container. For sanitary purposes, garbage shall be bagged or wrapped to prevent leakage and odors when placed in containers.
- C. Where conditions permit, all dumpsters and/or roll-off boxes shall be stored upon private property. All dumpsters and/or roll-off boxes shall not be stored on the public street side of said property, unless approval is granted by the Codes Officer.

3. Collection Requirements.

- A. All residents and occupants of all properties in the Borough of Stroudsburg shall have regular garbage collection provided by an approved waste hauler.
- B. All occupants of single-family residences and of multi-family residences not exceeding four (4) dwelling units shall deposit all garbage and refuse in refuse containers for pickup.
- C. The refuse containers shall be placed within five (5) feet of the curb or street edge or in an accessible location approved by the Codes Officer or Health Officer but shall not be placed in the street. The containers shall be placed in the required location for collection no earlier than 7:00 p.m. on the day preceding a designated pickup day and shall be removed from the curbside location no later than 7:00 p.m. after the container has been emptied. Except during these prescribed hours, the mobile containers and all other refuse containers shall be kept in a location no closer to the street than the front line of the residential structure.
- D. All residential waste shall be collected at least once each week with the exception that arrangements shall be made in advance with the collector for pickup of bulky, waste and for payment of any special fees. All residential housing, commercial, municipal, institutional and industrial waste shall be collected at least once each week and more often if required in order to control health hazards, odors, or unsightly conditions.
- E. All recyclable materials shall be collected in accordance with Part 2 of this Chapter.
- F. All authorized collectors operating within the Borough of Stroudsburg shall comply with the Solid Waste Management Plan with regards to the licensing of collectors and the transportation of waste to the County designated disposal facility.

SOLID WASTE

- G. Commercial customers and residential properties which exceed four (4) dwelling units must use dumpsters unless given permission by the Borough to use alternate containers. A commercial customer authorized to use alternate containers must not place the containers out for collection prior to 7:00 p.m. the evening before the collection day. The containers are not allowed to be at the edge of the right-of-way after collection day. Alternate containers must be stored at a location on the premises of the commercial customer so they are not visible from any roadway.
- H. Permits are required for roll-off boxes on private property. The application shall be obtained from the Codes Enforcement Office and the permit shall be obtained prior to storage of the roll-off box. The fee shall be twenty-five dollars (\$25.00) per roll-off box.
- I. Roll-off boxes shall be permitted for two (2) weeks unless the roll-off box is needed for construction debris during active construction.
- J. Dumpsters and roll-off boxes shall not be stored for more than forty-eight (48) hours after they are filled.

(Ord. 596, 9/14/1983, §10; as amended by Ord. 905, 6/3/2009)

§111. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), or shall be committed to the County Jail for a period not exceeding thirty (30) days; each day's continuance of a violation of this Part shall constitute a separate offense.

(Ord. 596, 9/14/1983, §11; as amended by Ord. 712, 10/9/1991, §7)

§112. Abatement of Nuisances.

In addition to the remedies provided in §111 herein, any continued violation of this Part which shall constitute a nuisance in fact, or which in the opinion of the governing body of this municipality shall constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(Ord. 596, 9/14/1983, §12)

§113. Regulations.

The collection of municipal solid waste in the municipality and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the governing body of the municipality, including, but without limitation,

regulations as to the form of license application, the terms of licenses and license issuance procedures; provided, however, that no such rules or regulations shall be contrary to the provisions of this Part or applicable law.

(Ord. 596, 9/14/1983, §13)

§114. Amendments, Contract.

The municipality reserves the right to amend this Part or repeal it at any time; provided that the requirement for use of the landfill for disposal of municipal solid waste from the municipality shall not be so amended or repealed without the prior express approval of the Authority. If in the future the municipality itself becomes a collector, it agrees to deliver all municipal solid waste so collected to the landfill.

(Ord. 596, 9/14/1983, §14; as amended by Ord. 712, 10/9/1991, §8)

Part 2

Recycling

§201. Definitions.

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

ALUMINUM CANS—Empty all-aluminum beverage and food containers.

BIMETALLIC CONTAINERS—Empty food or beverage containers consisting of steel and aluminum.

BIWEEKLY PICKUP—Curb-side collection of recyclable materials on an alternating (every other week) basis.

COMMERCIAL ESTABLISHMENT—Those properties used primarily for commercial or industrial purpose and those multiple dwelling residential buildings containing more than four (4) dwelling units.

COMMUNITY ACTIVITIES—Events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events attended by two hundred (200) or more individuals per day.

CONTAINERS—Buckets, pails, baskets, or cans provided by the municipality or designated by the municipality for the source separation or storage of recyclable materials.

CORRUGATED PAPER—Structural paper material with an inner core shaped in rigid, parallel furrows and ridges.

DEPARTMENT—The Department of Environmental Resources of the Commonwealth and its authorized representatives.

FERROUS CONTAINERS—Empty steel or tin-coated steel food or beverage containers.

GLASS CONTAINERS—Bottles and jars made of clear, green, or brown glass. Excluded are plate glass, automotive glass, blue glass, and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER—All white paper, bond paper, and computer paper used in commercial, institutional, municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT—Those facilities that house or serve groups of people such as, but not limited to, hospitals, schools, day care centers, and nursing

SOLID WASTE

homes.

JOINT RECYCLING PROGRAM—Twin Boroughs Program operated by the Borough of East Stroudsburg and the Borough of Stroudsburg.

LEAD ACID BATTERIES—Includes, but not limited to, automotive, truck, and industrial batteries that contain lead.

LEAF WASTE—Leaves from trees, bushes, and other plants, but not including grass clippings.

MAGAZINES and PERIODICALS—Glossy printed matter containing miscellaneous written pieces published at fixed or varying intervals and bound by glue or staples. Expressly excluded are all other paper products of any nature whatsoever.

MULTI-FAMILY HOUSING PROPERTIES—Any properties having more than four (4) dwelling units per structure.

MUNICIPAL ESTABLISHMENTS—Public facilities operated by the municipality and other governmental and quasi-governmental authorities.

MUNICIPALITY—Borough of Stroudsburg.

NEWSPAPERS—Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinion and containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers.

PERSON(S)—Owners, lessees, and occupants of residences, commercial, or institutional establishments.

RECYCLABLE MATERIALS—Source separated recyclable materials, including materials listed in §1501 of Act 101 and materials identified by the municipality to be recycled.

RESIDENTIAL UNITS—Any occupied single or multi-family dwelling having four (4) or less dwelling units per structure.

SCAVENGING—Collecting or gathering recyclable materials.

SOURCE SEPARATED RECYCLABLE MATERIALS—Those materials separated at the point of origin for the purpose of being recycled.

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 does not include source separated recyclable materials or materials approved by the Department of beneficial use.

(Ord. 699, 11/14/1990, §1)

§202. Mandatory Recycling.

1. Through the Joint Recycling Program, the Borough of Stroudsburg shall provide biweekly curbside pickup of at least three (3) recyclable materials, as Borough Council shall from time to time designate by resolution and from the list of recyclables in §1501 of the Municipal Waste Planning, Recycling, and Waste Reduction Act, for residential units located within the Borough of Stroudsburg. Participation in the curbside recycling pickup shall be mandatory for occupants of all residential units. Failure to participate and proof of violation of this Section shall be determined by the presence of designated recyclable materials in the resident's municipal waste, which is prepared for collection. Occupants of all residential units shall utilize recycling containers or similar containers to source separate those recyclable materials designated by Borough Council. Nothing in this Part shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such recyclable materials are placed at curbside or similar location for collection by the municipality.
2. Commercial, institutional, and industrial establishments and multifamily housing properties are required to recycle effective September 26, 1991. Commercial, institutional and industrial establishments shall recycle high grade office paper, aluminum, corrugated paper (cardboard), clear glass, colored glass and leaf waste. Multi-family housing properties shall recycle the same recyclable materials as the Twin-Borough curbside recycling program. Said resources are designated by resolution of Borough Council pursuant to subsection 1. Nothing in this Part shall limit commercial, institutional, and industrial establishments and multi-family properties authority to recycle any recyclable materials. Commercial, institutional and industrial establishments and multi-family properties that do not recycle through their trash hauler or by delivering materials to the Twin-Borough Recycling Center must submit annual reports of the total weight of materials recycled. The annual report shall be submitted no later than January 15 of each year. [Ord. 710]
3. Currently existing recycling programs by industrial, institutional, commercial, or private individuals shall be exempt from this Part. However, those operations will be required to provide the municipality with yearly reports due January 15 of each year. The report shall include the name of the operation, volume, and type of material recycled. New recycling operations seeking an exemption must get Council approval prior to start-up. New operations are those not in effect by September 26, 1991. [Ord. 710]

(Ord. 699, 11/14/1990, §1; as amended by Ord. 710, 9/11/1991, §§1,2)

§203. Recyclable Materials Borough Property; Scavenging Prohibited.

Recyclable materials, as mandated by a resolution of the Borough Council, shall become property of the Borough of Stroudsburg upon being placed at the curb or similar location. Scavenging, collecting, or picking up of recyclable materials from the curb or similar location by any person other than authorized employees of the Borough of Stroudsburg and

SOLID WASTE

the Borough of East Stroudsburg shall be prohibited. It shall be a violation of this Part for any person, except authorized employees of the Borough of Stroudsburg and East Stroudsburg, to scavenge, collect, or pick up any recyclable materials from any recycling drop-off centers located in the Borough of Stroudsburg.

(Ord. 699, 11/14/1990, §1)

§204. Containers Borough Property; Storage of Containers.

1. Recycling containers provided by the Borough of Stroudsburg either to residents or drop-off centers are and shall remain property of the Borough of Stroudsburg. All recycling containers shall be returned to the municipality when a user moves out of the Borough of Stroudsburg.
2. Recycling containers, whether or not provided by the municipality, shall be stored either in the user's dwelling or in the rear of the building and out of sight from the street. Any recycling container shall not be placed at the curb more than forty-eight (48) hours before collection nor left at the curb longer than forty-eight (48) hours after collection. Users shall be responsible for proper removal and disposal of debris, garbage, left in recycling containers. Any recycling containers left at the curb for more than forty-eight (48) hours after collection may be removed by the municipality.

(Ord. 699, 11/14/1990, §1)

§205. Education; Public Notice.

The municipality shall sustain a public education program concerning the joint recycling program. The public education may include, but is not limited to, newsletter articles, display advertisements in local newspapers, direct mail, and pamphlets. The Borough Manager's Office shall be responsible for the sustained public education campaign. Public education information shall be disseminated at least semiannually.

(Ord. 699, 11/14/1990, §1)

§206. Leaf Composting.

Disposal of leaf waste with municipal solid waste shall be prohibited. The municipality shall provide a weekly leaf collection service for a minimum of six (6) weeks per season. Nothing in this Section shall be construed to prohibit a person from composting leaf waste on his/her property.

(Ord. 699, 11/14/1990, §1)

§207. Enforcement; Incentives; Penalties.

1. The Borough Manager shall have the authority to assign enforcement, with Borough Council's consent, of this Part to any Borough employee(s) under the direction of the Borough Manager. Furthermore, the Stroud Area Regional Police Department shall be authorized to enforce the anti-scavenging provision of this Part. [Ord. 784]
2. The Borough Council shall have the authority to create, by resolution, recycling incentive programs.
3. Any person violating the anti-scavenging provision of this Part shall be subject to citation for a summary offense, and if convicted, sentenced to pay a fine of not more than three hundred fifty dollars (\$350.00). The procedure for enforcement of the mandatory participation provisions shall be:
 - A. Any person failing to participate on two (2) occasions shall receive a written warning.
 - B. Any person failing to participate after receiving a written warning shall receive a citation for a summary offense and if convicted, be sentenced to pay a fine of not more than fifty dollars (\$50.00).
 - C. Any person failing to participate after one (1) conviction for failure to participate shall receive a citation for a summary offense and if convicted, to pay a fine of not more than two hundred fifty dollars (\$250.00).
 - D. Any person failing to participate after two (2) or more convictions for failure to participate shall receive a citation for a summary offense and if convicted, to pay a fine of not more than three hundred fifty dollars (\$350.00). Any person violating any other provision of this Part shall be subject to citation for summary offense and if convicted, sentenced to pay a fine of not more than three hundred fifty dollars (\$350.00).

(Ord. 699, 11/14/1990, §1; as amended by Ord. 784, 4/5/2000, §2)

