

CHAPTER 20

SOLID WASTE

Part 1

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Part 1

Regulation of Solid Waste Disposal

§101. Definitions. The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

APPLICANT - a person desirous of being authorized as a "Collector."

BOROUGH - the Borough of Shamokin Dam, Snyder County, Pennsylvania and the Governing Body or its officials thereof.

COLLECTOR - a person authorized by the County with the approval of the Borough of Shamokin Dam to collect, transport, and dispose of municipal waste.

COMMERCIAL HAULER - a person, company, partnership or corporation which engages in the business of collecting and transporting solid waste for compensation or consideration.

COMPOST - a process of controlled biological decomposition of organic materials, producing a stable, aerobic humus-like product.

COUNTY - the Board of Commissioners of Snyder County, Pennsylvania, or the Snyder County Solid Waste Authority. [Ord. 97-4]

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

DISPOSAL AREA - any site, location, area, incinerator, resource recovery facility, or premises to be used for the ultimate disposal of municipal waste.

INSTITUTIONAL ESTABLISHMENT - any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

MANAGEMENT - the entire process or any part thereof, of storage, collection, transportation, processing, treatment, and disposal of municipal wastes by any person engaging in such process.

MUNICIPAL WASTE - any 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 industrial establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste as defined in the Pennsylvania Solid Waste Management Act (35 P.S. §6018.101 et seq.) from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

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

PROCESSING - any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

REGULAR - at least two (2) or more times per month.

REFUSE - all materials which are discarded as useless.

RESIDUAL WASTE - any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." "Residual Waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the "The Clean Streams Law."

SOLID WASTE - any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

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

TRANSPORTATION means the off-site removal of any municipal waste at any time after generation.

(Ord. 87-6, 12/7/1987, §331.01; as amended by Ord. 97-4, 8/4/1997, §2)

§102. Dumping.

1. It shall be unlawful for any person to store, dispose, dump, discard or deposit, or permit the storage, dumping, discarding or depositing of any municipal waste upon the surface of the Bound or underground within the jurisdictional limits of this Borough, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit it being placed in such containers. This section is not intended to prohibit the use of a properly maintained home compost pile.

2. It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of this Borough.

3. Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling solid waste for profit, from hauling such solid waste on an irregular and unscheduled basis, so long as such hauling and disposal is in accordance with the ordinances of this Borough and is permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

4. Nothing contained in this Part shall prohibit a farmer or gardener from carrying out the normal activities of his farming or gardening operation, including composting and spreading manure or other farm-produced agricultural wastes.

(Ord. 87-6, 12/7/1987, §831.02)

§103. Authorization of Collectors.

1. It shall be unlawful for any person, other than such persons as are duly authorized by the County with the approval of this Borough, to collect and transport solid waste of any nature as a regular hauling business within or from the Borough. Authorization shall be given only as set forth below.

2. The County with the approval of the Borough shall authorize by issuance of a business license such hauler(s) to collect and transport all wastes in this Borough. All applications for licensing shall be reviewed by the Department of Solid Waste of Lycoming County as license issuing agency for the Borough and shall be approved in accordance with the following criteria:

A. Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this Part and the rules and regulations established by the County Solid Waste Department.

B. The County, with review by the Borough, shall authorize by issuance of a business license such hauler(s) to collect and transport all waste in the Borough. [Ord. 97-4]

C. Licenses shall be issued on a fiscal year basis, but may be revised at any time by the County for just cause in accordance with the rules and regulations adopted by the County or its agent from time to time. [Ord. 97-4]

D. Fees for such licenses shall be paid by the applicant to the County Solid Waste Department and said fees shall be on the basis of cost and covered in the rules and regulations of the County Solid Waste Department.

(Ord. 87-6, 12/7/1987, §831.03; as amended by Ord. 97-4, 8/4/1997, §2)

§104. Preparation and Storage of Solid Waste.

1. The storage of all solid waste shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance.

2. Any person accumulating or storing garbage on private or public property in the Borough of Shamokin Dam for any purpose whatsoever (including waste being stored temporarily for ultimate disposal in a bulk container, as well as waste being stored for door-to-door collection) shall place the same or cause the same to be placed in sanitary closed or covered containers.

3. Solid waste to be collected on a door-to-door basis shall be prepared for such collection in a manner agreed upon by the property owner and hauler.

4. Solid waste of a highly flammable or explosive nature, or highly infectious or contagious wastes shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the Commonwealth of Pennsylvania, Department of Environmental Resources.

(Ord. 87-6, 12/7/1987, §831.04)

§105. Collection and Collection Charges.

1. Solid waste to be collected by a licensed hauler shall be prepared for and collected at sufficient intervals to protect the general health, safety and welfare of the neighborhood.

2. Any person or commercial establishment authorized to dispose of their own waste shall provide for collection at intervals short enough to prevent accumulations of waste that may be unsafe, unsightly, or potentially harmful to the public health.

3. All agreements for collection, transportation and disposition of solid waste collected on a door-to-door basis shall be by private contact between the person and the collector.

(Ord. 87-6, 12/7/1987, §831.05)

§106. Disposal of Solid Waste.

1. All solid waste produced, collected and transported from within the jurisdictional limits of the Borough shall be, to the extent permitted by law, disposed of at the Lycoming County Solid Waste System unless otherwise controlled and permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

2. It shall be unlawful for a licensed or authorized collector in the Borough to dispose of solid waste collected within the Borough at a place other than the facilities designated in the Solid Waste Management Plan of the municipality, as approved by the Department of Environmental Resources.

3. The disposal of bulky wastes; such as, but not limited to, refrigerators, stoves, other appliances, pieces of furniture, auto parts, and other household goods and equipment shall be performed by commercial or private collection unless a clean-up campaign by the Borough shall prescribe the manner of such collection and disposal.

(Ord. 87-6, 12/7/1987, §831.07)

§108. Penalties and Remedies.

1. Any person violating any of the provisions of this Part shall be

guilty of a summary offense and shall upon conviction thereof before a District Magistrate, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) together with the cost of prosecution or to undergo imprisonment in a jail for a period of not more than thirty (30) days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day that such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

2. In addition to the foregoing penalty, the Borough may require the owner or occupier of a property to remove any accumulation of solid waste and should said person fail to remove the same within ten (10) days after written notice, the Borough may cause the same to be done and collect the costs thereof together with a penalty of ten percent (10%) of such costs in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by bill of equity.

3. It is hereby designated that the Borough official to whom all notices under this Part are to be given and by whom all provisions of this Part are to be enforced is as follows: Borough Codes & Enforcement Officer, Borough Manager Building, 144 W. Eighth Avenue, Shamokin Dam, Pennsylvania 17876, Phone: 743-7565.

(Ord. 87-6, 12/7/1987, §831.08)

§109. Separability and Amendment.

1. Should any section, paragraph, sentence, clause or phrase of this Part be declared unconstitutional or invalid for any reason, the remainder of this Part shall not be affected thereby.

2. This Part shall be subject to all applicable federal, state and local laws, ordinances, rules and regulations including the rules and regulations as set forth by the Department of Environmental Resources, Commonwealth of Pennsylvania.

3. This Part or any part thereof may be amended from time to time in accordance with the procedures established by law.

(Ord. 87-6, 12/7/1987, §831.99)

