

Chapter 132

SOLID WASTE

ARTICLE I

Collection, Disposal and Transportation

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[HISTORY: Adopted by the Borough Council of the Borough of Mansfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

County Sanitation Committee — See Ch. 41.
Housing standards — See Ch. 96.

Junk and junked vehicles — See Ch. 101.
Property maintenance — See Ch. 120.

ARTICLE I

Collection, Disposal and Transportation [Adopted 5-6-1986 by Ord. No. 323]

§ 132-1. Definitions.

The following words and terms, as used in this article, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning:

AGRICULTURAL WASTE — Poultry and livestock manure or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such "agricultural waste" is not hazardous. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural and silvicultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.

AUTHORITY — The Northern Tier Solid Waste Authority, an authority organized by the Counties of Bradford, Sullivan and Tioga and existing under the laws of the Commonwealth of Pennsylvania, with an office at Blossburg, Pennsylvania.

BOROUGH — The Borough of Mansfield, Tioga County, Pennsylvania.

DISPOSAL — The incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner such that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the commonwealth.

DUMPSTER — A large metal container for the storage of municipal waste in bulk, which by connection to a motor vehicle used for the transportation of municipal waste, may transfer the municipal waste stored in such metal container to the motor vehicle utilized for transporting municipal waste.

HAZARDOUS WASTE —

- A. Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities, or any combination of the above, but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the United States Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration or physical, chemical or infectious characteristics may:
- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- B. The term "hazardous waste" shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act."¹ "Hazardous 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 Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law."²

MANAGEMENT — The entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid 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 institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous

1. Editor's Note: See 52 P.S. § 30.51 et seq.

2. Editor's Note: See 35 P.S. § 691.1 et seq.

waste hereunder from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

POLLUTION — Contamination of any air, water, land or other natural resources of the commonwealth such as will create or is likely to create a public nuisance or to render such air, water, land or other natural resources 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 life.

REGIONAL FACILITIES — All solid waste disposition facilities heretofore or hereafter acquired or constructed by the Authority.

RESIDUAL WASTE — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous material resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater 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.³ "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 Clean Streams Law.⁴

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.

§ 132-2. Prohibited disposal and accumulation; collector's license required.

- A. No person shall throw or deposit or cause to be thrown or deposited any municipal waste upon any street, road or public or private grounds in the Borough nor in any stream running through or adjacent to the Borough.
- B. No person shall accumulate municipal waste upon any property in the Borough or dispose of it except in accordance with this article.
- C. Any unauthorized accumulation of municipal waste is hereby declared to be a public nuisance. Failure to remove any unauthorized accumulation of municipal waste after two

3. Editor's Note: See 52 P.S. § 30.51 et seq.

4. Editor's Note: See 35 P.S. § 691.1 et seq.

days' written notification to the owner or occupier by the Borough or its duly delegated agent shall be in violation of this article, and in addition to the other penalties provided herein, the Borough may have the municipal waste removed and the expenses therefor shall be collected from the owner or occupier in an amount equal to twice the cost of removal. Such expense shall be collected by action at law or through the filing of a municipal lien.

- D. No person shall dispose of any municipal waste produced in the Borough except in accordance with this article, and no owner of real property, leased to another person, shall permit the occupants of such leased real property to dispose of any municipal waste produced in the Borough except in accordance with this article. **[Amended 11-10-1998 by Ord. No. 399]**
- E. No person shall act as a collector in the Borough without first obtaining a license from the Borough pursuant to this article and such additional requirements as the Borough may by appropriate action hereafter establish, which licenses, however, shall all require the licensees to comply with the provisions of this article. The Borough hereby reserves the right to limit the number of such licenses.

§ 132-3. Collection, transportation and disposal.

All municipal waste accumulated in the Borough of Mansfield shall be collected, transported and disposed of only by agents or employees of the Borough, unless a collector is specifically licensed by the Borough to collect municipal waste at a particular business, institution and/or industry, and further except that the actual producer of the municipal waste or the owners or tenants of the premises upon which such municipal waste is accumulated, may personally collect, convey and dispose of such refuse at a regional facility, and provided that all such persons comply with all regulations for collecting, conveying and disposing as prescribed in this article or subsequently adopted pursuant thereto; and further provided that the actual user or producer of paper, cardboard, excelsior and leaves, or the owners or tenants of the premises upon which such municipal waste is accumulated may burn such municipal waste, provided that such persons comply with all Borough regulations and ordinances and state laws in reference to burning.

§ 132-4. Container requirements; bundling of certain refuse; placement at curb.

- A. Municipal waste shall be placed in watertight containers, not larger than 33 gallons' capacity, which shall be tightly sealed or covered.
- B. Such containers shall be furnished by the owners or occupants of the premises upon which the municipal waste is generated; and any reusable containers shall be kept as clean as possible by such owner or occupant, shall be replaced by such owner or occupant when no longer in good condition and shall be removed from alongside the street or other right-of-way traveled by the collector within 12 hours of collection.
- C. All municipal waste other than garbage and ashes which cannot be conveniently stored in containers shall be assembled or bundled in such a way that it can be handled safely and conveniently and will not be disseminated by the wind or otherwise while awaiting

collection. All such refuse shall be of units that can be handled by one person and shall be placed in containers or piled or assembled in such a way to facilitate collection. In no event shall any unit exceed 30 pounds in weight nor 36 inches in either height, width or depth.

- D. All dumpsters shall be on wheels and shall be on a minimum four-inch concrete pad, which pad shall be three feet wider than the width of the dumpster, and which pad shall be twice the length of the dumpster, and which pad shall be located at a site approved by the Borough or its agents or employees. No dumpster shall exceed four cubic yards in volume.
- E. It shall be the duty of all persons disposing of all municipal waste to have the refuse receptacles at the curb at ground level adjacent to the street or other right-of-way traversed by the collector prior to 6:00 a.m. on the date scheduled for collection. This requirement may be waived under certain circumstances for handicapped or disabled persons. In no event shall refuse receptacles be placed at the curb more than 24 hours prior to 6:00 a.m. on the date scheduled for collection. [Amended 5-10-1988 by Ord. No. 338]

§ 132-5. Frequency of collection; special collections.

- A. Municipal waste shall be collected at least once a week from households and business establishments. Refuse collection from restaurants and other food-handling businesses and institutions shall be handled by special arrangement with the Borough Manager.
- B. Unusual municipal waste problems, including but not limited to tree removal and building rubbish from alteration, repair and demolition, will be handled by special arrangement with the Borough Manager.
- C. Properties assessed as agricultural may be subject to additional regulations made by the Borough Council.

§ 132-6. Collection vehicles.

Vehicles used by persons transporting municipal waste shall be of substantial construction and shall be watertight and covered or protected in such manner as to prevent loss of material in transit. They shall not be overfilled so as to cause fouling of the streets or highways of the Borough and shall be cleaned whenever necessary to prevent any nuisance from odors. Where disposal is effective by transportation of covered cans, the regulations as to watertightness and covering of vehicles shall not apply.

§ 132-7. Collector's license.

- A. Each collector's license hereunder shall be effective for a maximum of one calendar year, terminating on December 31 of the year for which it was issued, subject to renewal upon application. No license heretofore or hereafter issued shall be transferable, and licenses are subject to revocation by the Borough. The Borough reserves the right to limit or restrict the issuance of such license.

- B. Application for a collector's license hereunder shall be made on a form provided by the Borough. The application must be accompanied by a license fee, which is hereby established initially as \$ ____.⁵
- C. Upon receipt of such application by the Borough, the governing body may examine the applicant 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.
- D. A collector shall be responsible for immediately cleaning up all spillage caused by its operation, for protecting private and public property from damage resulting from its operations and for creating no undue disturbance of the peace and quiet in areas where it collects or operates.

§ 132-8. Authority operations and charges.

The Borough has been advised by the Authority that the Authority intends to provide for the residents of the Borough, regional facilities which will be operated efficiently, economically by or for it and in accordance with all applicable laws and regulations, and also that the Authority will impose reasonable charges which will be uniform among all users of the regional facilities, except where any municipality is not enforcing its ordinance, in which case the Authority, in addition to any other remedies, may impose a higher rate.

§ 132-9. Scavenging prohibited.

No person shall handle, take or remove municipal waste set out for collection unless duly licensed by the Borough. When municipal waste is discarded for pickup, it shall become the property of the Authority. Any person who picks up said municipal waste for his or her own use shall be guilty of an infraction of this article.

§ 132-10. Unapproved dumps prohibited.

No person, firm or corporation except the Authority shall use or permit to be used any property within the Borough as a public or private dump for municipal waste or other waste material unless approval is obtained from the Borough, the Authority and the Pennsylvania Department of Environmental Protection.

§ 132-11. Nuisances prohibited.

No person shall accumulate, store, process or dispose of municipal waste upon any property owned or occupied by him in the Borough except in such limited quantities and for such limited periods of time as shall ensure that no pollution or health or fire hazard shall be created thereby, and any other accumulation, storage, processing or disposal thereof on any premises is hereby declared to be a nuisance and is prohibited.

5. Editor's Note: The amount of the license fee will be on file in the Borough offices.

§ 132-12. Collection rates and charges. [Amended 5-10-1988 by Ord. No. 338; 11-10-1998 by Ord. No. 399]

- A. Rates to be charged for the collection of municipal waste at residential and nonresidential establishments and institutions within the Borough shall be established in accordance with the terms of the then current contract for solid waste removal entered into between the Borough and the collector and hauler retained by the Borough to collect and haul solid waste collected within the Borough.
- B. The Borough shall have the right to determine which residential dwellings and commercial establishments require dumpsters, and such dumpsters shall be provided by the owner or occupant in accordance with standards and regulations set forth herein or established by regulations adopted pursuant hereto.
- C. A schedule of all rates shall be on file in the office of the Borough Manager and shall be open to the public for inspection during regular hours.
- D. Municipal waste shall be collected a minimum of one time per week from all residential dwellings and commercial establishments.

§ 132-13. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than \$300, and in default of payment thereof, shall be committed to the county jail for a period not exceeding 30 days. Each day's continuance of a violation of this article shall constitute a separate offense.

§ 132-14. Abatement of nuisances.

In addition to the remedies provided in § 132-11 hereof, any continued violation of this article which shall constitute a nuisance in fact or which, in the opinion of the governing body of the municipality, shall constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

§ 132-15. Promulgation of regulations.

The collection of municipal 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 and regulations shall be contrary to the provisions of this article or applicable law.

§ 132-16. Amendments; contract with authority.

The municipality reserves the right to amend this article or repeal it at any time, provided that the requirement for use of the regional facilities of the Authority for disposal of municipal

waste from the municipality shall not be so amended or repealed without the prior express approval of the Authority, so long as the Authority continues to have outstanding any indebtedness directly or indirectly related to its regional facilities. For the purpose of securing the Authority's financing, such requirement shall be deemed to be a contract between the Authority and the municipality which the municipality agrees to enforce so that the municipal waste from the municipality will be available to and be transported to the regional facilities of the Authority. If in the future the municipality itself becomes a collector it agrees to deliver all municipal waste so collected to the regional facilities.