

CHAPTER 20

SOLID WASTE

Part 1

- §101. Title
- §102. Definitions
- §103. Storage of Borough Waste
- §104. Authorization of Collectors
- §105. Transportation of Solid Waste
- §106. Disposal of Borough Waste
- §107. Exclusions
- §108. Penalties and Remedies

Part 1
Solid Waste Collection Regulations

§101. Title. This Part 1 shall be known as the "Borough of Coplay Municipal Solid Waste Ordinance." (Ord. 602, 1/14/1986, Art. 1)

§102. Definitions. The following words and phrases, when used in this Part 1, shall have, unless the context clearly indicates otherwise, the meanings given to them in this §102.

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

BOROUGH - Coplay Borough, Lehigh County, Pennsylvania.

COLLECTOR - a person authorized to collect, transport, and dispose of municipal waste from the Borough of Coplay.

COMMERCIAL ESTABLISHMENT - any establishment engaged in a nonmanufacturing or nonprocessing business, including but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

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

DISPOSAL SITE - any site, facility, location, area, or premises to be used for the disposal of municipal waste.

GARBAGE - all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking, and consumption of food.

INDUSTRIAL ESTABLISHMENT - any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

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 waste by any person engaging in such process.

MUNICIPAL (BOROUGH) WASTE - any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid 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 waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. (Pennsylvania Solid Waste Management Act 97, Section 103).

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 being subject to the rights and duties of a person.

PROCESSING - any technology used for the purposes 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, incinerators, recycling facilities, and resource recovery facilities.

REGULAR - at least three or more times per month.

REFUSE - the collective term applying to all garbage, rubbish, ashes, leaves, and grass trimmings from residential, municipal, commercial, or institutional premises.

SOLID WASTE - any waste, including but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103).

STORAGE - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal.

TRANSPORTATION - the off-site removal of any municipal waste generated or present at any time from the Borough of Coplay.

(Ord. 602, 1/14/1986, Art. 2)

§103. Storage of Borough Waste.

1. General. It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the Borough of Coplay where Borough waste is produced and is accumulated, by his own expense and cost to provide and keep at all times, a sufficient number of containers to hold all Borough waste which may accumulate during the intervals between collection of such Borough waste by an authorized collector.

2. Storage on Residential Properties.

A. Containers. All Borough waste accumulated by owners of each residential property and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, water tight, and made of metal or plastic. Securely tied plastic bags may be used in cases where such bags can be used without being torn open by domestic or wild animals. The size of each such container shall not exceed a thirty (30) gallon capacity. However, large containers designed for use with special hoisting equipment may be used if the collector serving the residence uses collection vehicles with such special hoisting equipment.

B. Location of Containers. Each Borough waste container shall be located so as to be accessible to the collector at ground level and

at a point on the curb line of the street, or within no less than ten (10') feet of the public street or alley right-of-way from which collection from a vehicle can be made. Failure to place containers at such locations may result in discontinuance of service.

3. Storage on Commercial, Institutional and Industrial Properties.

A. Containers. Storage of Borough waste on commercial, institutional and industrial properties shall be done in the same type of containers as are required for residential properties except that containers larger than thirty (30) gallons may be used, where needed, to accommodate larger volumes of Borough wastes. Such containers shall be kept in good working order.

B. Location of Containers. Containers for collection at commercial, institutional and industrial properties shall be located on such premises at a place which shall not interfere with public or private sidewalks, driveways, roads, streets, highways or entrances and exits or public or private buildings.

(Ord. 602, 1/14/1986, Art. 4)

§104. Authorization of Collectors.

1. Unauthorized Collection and Transportation. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough of Coplay, to collect and transport solid waste of any nature within or from the Borough of Coplay. Authorization shall be given only as set forth below.

2. Licensing Procedure. Authorization to collect, transport, and dispose of Borough waste for persons other than oneself may be given only by the Borough of Coplay through the issuance of a license. All applications for licensing shall be approved in accordance with the following:

A. Eligible Persons. Borough Solid Waste Collection 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 1. The Borough of Coplay reserves the right to disapprove any application for license.

B. Application Procedure. Applicants for a Borough Solid Waste Collection License must furnish the following information:

(1) The make, model, license plate number, and size of each vehicle to used for collection and transportation;

(2) The location, address, and telephone number of the business office of the applicant;

(3) A certificate of the applicant's Workmen's Compensation Insurance as required by law;

(4) A certificate of insurance coverage providing complete third-party comprehensive, bodily injury and property damage, liability insurance, the limits of which shall not be less than \$100,000/\$300,000 for bodily injury and \$50,000 for property damage; and,

(5) Any other information which the Borough of Coplay may request and deem necessary prior to the issuance of a license.

C. Issuance. Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Borough of Coplay for failure to comply with the provisions of this Part 1.

D. Fees. Fees for licenses shall be set by the Borough of Coplay and the amount thereof shall be provided to any applicant or other person upon request.

E. Licenses and Capacity. Each vehicle must prominently display the name and number of the licensee and the cubic yard capacity of the vehicle's body.

(Ord. 602, 1/14/1986, Art. 4)

§105. Transportation of Solid Waste.

1. Prevention of Spillage. Any person transporting solid waste within the Borough of Coplay shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste. (Ord. 602, 1/14/1986, Art. 5)

§106. Disposal of Borough Waste.

1. Designated Facilities. All Borough waste produced, collected, and transported from within the jurisdictional limits of the Borough of Coplay shall be, to the extent permitted by law, disposed of at disposal facilities designated by the Borough of Coplay and in accordance with any currently effective Solid Waste Management Plan of the Borough of Coplay. In the absence of such designated facilities and/or currently effective Solid Waste Management Plan, Borough waste from the Borough of Coplay must be disposed of at a State-permitted facility.

2. Notice to Collectors. If the Borough of Coplay designates the disposal facilities as provided for above, all authorized collectors and other interested persons shall be informed of the location and other information pertaining to the designated disposal facilities to be used for the disposal of Borough waste collected, transported, removed, and disposed.

(Ord. 602, 1/14/1986, Art. 6)

§107. Exclusions.

1. Individuals Not Engaged in Collection. Nothing contained herein shall be deemed to prohibit any residential property occupant not regularly engaged in the business of collecting Borough waste from hauling his own Borough waste on an irregular and unscheduled basis, to a State-permitted disposal facility.

2. Farming Activities. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural waste.

3. Hazardous and Residual Waste. The provisions of this Part 1 do not apply to anything but the storage, collection, transportation, and disposal of Borough waste and do not apply, therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act.

(Ord. 602, 1/14/1986, Art. 7)

§108. Penalties and Remedies.

1. Penalty. Any person violating any of the provisions of this Part 1 shall, upon conviction be sentenced to pay a not six hundred (\$600.00) dollars and costs, or in default of payment thereof, shall be subject to imprisonment for a not to exceed thirty (30) days. Every violator of the provisions of this Part 1 shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this §108 for each and every such separate offense.

2. Additional Remedies. In addition to the foregoing penalty, the Borough of Coplay may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove such solid waste after ten (10) days following written notice, the Borough of Coplay may cause the solid waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law.

3. Abatement. The imposition of the penalties herein prescribed shall not preclude the Borough of Coplay from instituting appropriate actions or proceedings to prevent the violation of this Part 1, to restrain, correct or abate any such violation, or to prevent any act, conduct, business or activity constituting a violation.

(Ord. 602, 1/14/1986, Art. 8)

