

CHAPTER 20
SOLID WASTE

PART 1

COLLECTION AND DISPOSAL OF REFUSE

- §101. Purpose
- §102. Definitions
- §103. Refuse Disposal; Exceptions
- §104. Landfill Operation
- §105. Exception to Landfill Operation
- §106. Storage Practices
- §107. Collection Practices
- §108. Display of Name of Vehicle Owner
- §109. Penalty

PART 2

WASTE REDUCTION AND RECYCLING ORDINANCE

- §201. Short Title
- §202. Purpose and Goals
- §203. Borough of Cleona Recycling Program
- §204. Penalty

PART 1

COLLECTION AND DISPOSAL OF REFUSE

§101. PURPOSE.

It is the purpose and intention of this Part, enacted under the police power of the Borough of Cleona, to regulate and control the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials in a compulsory and universal manner in order to maintain, provide for and protect the health, safety and sanitation of the inhabitants of this Borough by the use of the facilities of the Greater Lebanon Refuse Authority.

(Ord. 108, 2/8/1960, §1)

§102. DEFINITIONS.

The following words, terms and phrases, when used in this Part, shall have the meaning hereinafter ascribed to them, except when the context clearly indicates a different meaning:

ASHES - the residue from the burning of wood, coal, coke or other combustible materials.

AUTHORITY - the Greater Lebanon Refuse Authority.

GARBAGE - all table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

PERSON - every natural person, firm, corporation, partnership, association or institution, but shall not include municipalities forming the Greater Lebanon Refuse Authority.

REFUSE - a general term meaning all matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort and safety of the community; it shall include ashes, garbage, rubbish and other materials, but exclude human body waste.

RUBBISH - leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, paper, printed matter, boxes, leather, rags, grass, straw, manure and all solid combustible matter not included in this Section under the term "garbage."

(Ord. 108, 2/8/1960, §2)

SOLID WASTE

§103. REFUSE DISPOSAL; EXCEPTIONS.

It shall be unlawful for any person to deposit, dump, spill, throw, place or bury or permit another to deposit, dump, spill, throw, place or bury in or upon any parcel of land, lot, street, highway, gutter or in any alley or in any water or stream, or in any quarry or ditch within the limits of the Borough of Cleona, except as provided for in §104, any ashes, garbage, rubbish and other refuse materials; provided, however, that this prohibition shall not apply in the following situations:

- A. Refuse disposed of on premises owned or leased by the producer of the refuse, provided it is done in a safe, sanitary and nuisance-free manner and in compliance with applicable ordinances.
- B. Garbage collected under an existing contract with any municipality which has joined in the formation of the Authority.
- C. Manure, fertilizer and refuse used as fertilizer in farming or gardening.
- D. Solid wastes generated by or resulting from industrial plants or operations.
- E. Dead household pets interred in places set apart for that purpose.
- F. Soil, earth, sand, clay, gravel, loam, ashes, slate, stones, bricks, plaster, cement, leaves, branches, trees, sawdust, chips, shavings, wood, grass, straw and corn fodder when used as fill, provided it is done in a safe, sanitary and nuisance-free manner.

(Ord. 108, 2/8/1960, §3)

§104. LANDFILL OPERATION.

The Authority, with the approval and permission of the municipality concerned, shall designate from time to time the place or places where it will carry on a sanitary landfill operation and all persons may transport or have another transport their ashes, garbage, rubbish and other refuse materials to one of said designated places where said refuse shall be disposed of in accordance with the rules and regulations of said Authority.

(Ord. 108, 2/8/1960, §4)

§105. EXCEPTION TO LANDFILL OPERATION.

The following refuse shall not be disposed of in accordance with §104:

- A. Dangerous materials or substances such as poisons, acids, caustics, infected or highly inflammable materials and explosives, unless prior notice has been given to and permission granted by the Authority in accordance with its rules and regulations.
- B. Unusual quantities of materials resulting from the repair, demolition, excavation or construction of buildings or structures such as earth, plaster, mortar, cement and roofing material, unless prior notice has been given to and permission granted by the Authority in accordance with its rules and regulations.
- C. Nonputrescible fluids in large quantities such as oil, grease, sludge, brine and the like, unless prior notice has been given to and permission granted by the Authority in accordance with its rules and regulations.
- D. Materials which have not been prepared for disposal in accordance with the rules and regulations of the Authority.
- E. Abandoned large machinery or vehicles.
- F. Dead animals exceeding 75 pounds each in weight.

(Ord. 108, 2/8/1960, §5)

§106. STORAGE PRACTICES.

1. Preparation of Refuse.

- A. All garbage, before being placed in refuse containers, shall be drained free from all liquids and shall be wrapped in several thicknesses of paper.
- B. All refuse shall be drained of any liquid before being deposited for collection.
- C. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.
- D. Tree trimmings, hedge clippings, old newspapers and similar materials, which cannot be conveniently placed in the aforementioned containers, shall be baled, tied or sacked in compact bundles under 3 feet in length and placed in a location easily accessible to the collector.

2. Garbage and Refuse Containers.

- A. Garbage and refuse receptacles shall be kept as sanitary as possible and shall be thoroughly cleansed by the owner, at least periodically, after collection.
- B. Garbage receptacles shall be made of metal or plastic, be water tight and be provided with a water tight cover.

SOLID WASTE

- C. No person shall use a garbage or refuse receptacle having a capacity in excess of the amount permitted by the Borough. [Ord. 261]
- D. All garbage and refuse receptacles shall be provided by the owner, tenant or occupant of the premises.
- E. All garbage and refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this Part or that may have ragged or sharp edges or any other defect liable to hamper or injure the collectors thereof shall be promptly replaced upon notice to do so. Where the condition of a receptacle is the result of carelessness on the part of the collector, it shall be the collector's responsibility to replace such a receptacle. Failure to comply with such a request will constitute a violation of this Part.

(Ord. 108, 2/8/1960, §6; as amended by Ord. 261, 7/1/2002, §1)

§107. COLLECTION PRACTICES.

1. Licensing of Collectors.

- A. No person except an authorized collector shall collect garbage from any other person for conveyance through the Borough, nor shall any person except such authorized collector haul any refuse for any other person from any point within the Borough limits to any place or location outside the Borough limits.
- B. Any authorized collector is one who has been granted a license by the Borough for the specific purpose of collection and disposing of garbage and refuse.
- C. The fee for such license shall be in an amount as established from time to time by resolution of the Borough Council, and all licenses shall be issued by the Mayor. [Ord. 261]
- D. No licensed collector shall dispose of any garbage or refuse collected in the Borough except by conveyance to the place of disposal as prescribed herein.
- E. Failure of licensed collectors to comply with provisions of this Part shall result in having said permits revoked.
- F. No person shall permit any unlicensed collector to take any garbage from premises occupied by him.
- G. All licensees shall submit a quarterly report on the form as prescribed by the Borough and shall collect and dispose of receptacles as approved by the Borough. [Ord. 261]

2. Collection Vehicles.

- A. All vehicles used for the collection or disposal of refuse shall have enclosed bodies or shall have the body covered with a tarpaulin or canvas cover.
- B. All vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal or metal lined bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair.

3. Place of Collection. Refuse receptacles, for collection purposes, shall be placed at ground level on the property, not within the right-of-way of a street or alley and easily accessible from the side of the street or alley from which collection is made, except where an agreement exists with the collector to collect from a basement or porch.

(Ord. 108, 2/8/1960, §7; as amended by Ord. 261, 7/1/2002, §1)

§108. DISPLAY OF NAME OF VEHICLE OWNER.

The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used principally for transportation of ashes, garbage, rubbish and other refuse materials in this Borough.

(Ord. 108, 2/8/1960, §8)

§109. PENALTY.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 108, 2/8/1960, §9; as amended by Ord. 261, 7/1/2002, §1)

PART 2

WASTE REDUCTION AND RECYCLING ORDINANCE

§201. SHORT TITLE.

This Part shall be known and may be cited as the "Borough of Cleona Waste Reduction and Recycling Ordinance."

(Ord. 276, 5/7/2007, §VII)

§202. PURPOSE AND GOALS.

It is the purpose of this Part to:

- A. Require waste reduction and recycling as a means of managing municipal waste, conserving resources and supplying energy.
- B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of municipal waste.
- C. Utilize, whenever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.
- D. Establish and implement within the Borough of Cleona a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing or disposal facilities.
- E. Educate the public on the economic, environmental, and energy value of recycling and waste reduction, and encourage through a variety of means to participate in recycling.

(Ord. 276, 5/7/2007, §VII)

§203. BOROUGH OF CLEONA RECYCLING PROGRAM.

The Borough of Cleona hereby establishes and implements a source separation and collection program for recyclable materials. The source separation and collection program shall include the following regulations:

- A. All persons, including individuals, partnerships, companies, associations, corporations or other groups or entities, within the Borough of Cleona are hereby required to separate materials, deemed appropriate hereafter by resolution of the

SOLID WASTE

Borough, from other municipal wastes generated at their homes, apartments, and other residential establishments and to store such material until collection. The materials shall be designated periodically by a Borough resolution from the following: clear glass, colored glass, aluminum, steel and hi-metallic cans, high-grade office paper, newsprint, corrugated paper and plastics. The Borough shall also adopt a resolution specifying whether items will be co-mingled or separated. Nothing in this Part shall be deemed to impair the ownership of separate materials by the person who generated them unless and until such materials are collected or recycled.

- B. All persons, including individuals, partnerships, companies, associations, corporations or other groups or entities within the Borough of Cleona are hereby required to separate leaf waste from other municipal waste generated at their homes, apartments, businesses and other residential establishments unless those persons have otherwise provided for the lawful composting of leaf waste, which term includes leaves, garden residues, shrubbery, tree trimmings, Christmas trees and similar materials, but not including grass clippings.
- C. The Borough of Cleona shall allow an owner, landlord or agent of an owner or landlord of multi-family rental housing properties with four or more units to comply with its responsibilities under this Part by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Part shall not be liable for the noncompliance of occupants of their buildings.
- D. All persons, including individuals, partnerships, companies, associations, corporations or other groups or entities, are hereby required to separate high grade office paper, aluminum, corrugated paper and leaf waste and other material deemed appropriate generated at commercial, municipal or institutional establishments and from community activities and to store the materials until collection. The Borough of Cleona shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the requirements of this Part if those persons have otherwise provided for the recycling of materials they are required by this Part to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must, annually, apply for a permit to do so and pay a fee established pursuant to resolution, and provide written documentation to the Borough of the total number of tons recycled.
- E. All persons, including individuals, partnerships, companies, associations, corporations or other groups or entities, within the Borough of Cleona are hereby required at least twice per month to have the separated materials placed at the curb site or disposed of at such other location as may be designated by resolution

of the Borough Council of the Borough of Cleona as an approved recycling location.

- F. All collectors who collect refuse and recyclables within the Borough shall be licensed. The collectors shall make application to the County on the form as provided by the County. All rules, regulations and fees which are applicable to the collectors shall be as provided by County regulations. The licensed collector shall collect recyclable materials from curbside or similar locations designated at least twice per month from each residence or any other person generating municipal waste in the Borough and shall submit a written report to the County at such times as specified by the County. All collectors in the Borough of Cleona shall be required to keep separate the recyclables from the garbage and/or refuse that is collected from any pickup location within the Borough of Cleona.

- G. The burning of recyclables is prohibited in the Borough of Cleona and any person, firm or company violating this Section, upon summary conviction before a district magistrate, shall be sentenced to pay a fine of not less than \$50 nor more than \$100 and the costs of prosecution, such fines to be collected as like fines are now collected by law, and/or shall undergo imprisonment not exceeding 10 days or both. Each day of a violation shall be considered as separate offense. The Borough of Cleona shall also have the right to file an equity action in the Court of Common Pleas of Lebanon County, Pennsylvania requesting the court to issue a mandatory injunction prohibiting the person, firm or company from burning recyclables within the Borough, and in such case, Borough shall be entitled to collect the aforementioned fine, court costs and reasonable attorney's fees.

(Ord. 276, 5/7/2007, §VII)

§204. PENALTY.

Any person who violates or permits a violation of this provision of the Code of Ordinances of the Borough of Cleona shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, and/or to be imprisoned for a period not to exceed 90 days. A separate offense shall arise for each day or portion thereof in which a violation is found to exist.

(Ord. 276, 5/7/2007, §VII)

