

**BOROUGH OF NORTH APOLLO
ARMSTRONG COUNTY, PENNSYLVANIA
ORDINANCE NO. 238-1992**

AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, ARMSTRONG COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING, AND DESTRUCTION OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID MUNICIPALITY; REQUIRING THAT ALL GARBAGE, RUBBISH, AND OTHER REFUSE BE CONVEYED TO A COUNTY DESIGNATED MUNICIPAL WASTE TRANSPORTATION, PROCESSING AND/OR DISPOSAL FACILITY; REGULATING THE STORAGE AND REMOVAL OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS; PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners have adopted the 1990 Municipal Waste Management Plan for Armstrong County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan has been duly ratified by the municipalities of Armstrong County; and

WHEREAS, pursuant to the authority vested to the Municipality by the Pennsylvania Solid Waste Management Act of 1980 (Act 97) and Act 101, the Borough of North Apollo desires to enact an Ordinance regulating the storage, collection, and disposal of rubbish, refuse, and garbage within the Municipality in order to implement such Plan.

NOW THEREFORE, the Borough of North Apollo, Armstrong County, Pennsylvania hereby enacts and ordains as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and referred to as the "Municipal Solid Waste Ordinance."

SECTION II: DEFINITIONS

The following words and phrases as used in this Ordinance shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

ACT 97 --The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

Act 101 --The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).

Bulky Waste --Large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to size, shape or weight.

Collector or Waste Hauler --any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of municipal waste.

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

Container --a portable devise in which waste is held temporarily for storage or transportation.

County --the County of Armstrong.

DER --the Pennsylvania Department of Environmental Resources (DER).

Disposal --deposition, injection, demping, spilling, leading, or placing of solid waste into or on the land or water in a manner that the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Domestic Waste or Household Waste --solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage --solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Industrial Establishment --establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Establishment --establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Leaf Waste --leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Licensed Collector or Licensed Waste Hauler --municipal waste collector or hauler possessing a current valid County License issued by the Armstrong County Department of Planning and Development pursuant to County Ordinance No. _____.

Municipal Waste --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 waste under Act 97 from a municipal, commercial or institutional water supply treatment plan, wastewater treatment plan, or air pollution control facility. The term does not include source-separated recyclable materials.

Municipality --Borough of North Apollo, Armstrong County, Pennsylvania.

Person --individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance 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.

Rubbish --all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

Salvaging --The controlled removal or recycling of material from a solid waste processing or disposal facility.

Scavenging -the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

Solid Waste --waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

Storage --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 shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Transportation --off-site removal of any solid waste at any time after generation.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION III: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Municipality, any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
2. It shall be unlawful for any person to burn any solid waste, including leave waste, within the Municipality except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
3. It shall be unlawful for any person to process and/or dispose any solid waste in the Municipality except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
4. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Municipality without a current valid license to do so issued by the Armstrong County Department of Planning and Development.
5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Municipality without prior written approval from the municipality.
6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the municipality except at an approval and permitted resource recovery facility under any applicable department rules and regulations adopted pursuant to Act 97 and Act 101.
7. It shall be unlawful for any person to throw, place or deposit or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Municipality except as provided in this Ordinance.
8. It shall be unlawful for any person to place any used lead acid battery in mixed municipal solid waste for

collection, or to discard or dispose any lead acid battery except by delivery to a secondary lead smelter permitted by the U. S. Environmental Protection Agency, or a collection or recycling facility approved by the Department.

9. No property owner, tenant or resident in or of the Municipality shall accept or receive garbage or other refuse material from any non-resident of the Municipality so that it is or may be collected, removed or disposed of by the Municipality or its garbage removal contractors, or allow any non-resident of the Municipality to place garbage or other refuse material with the garbage or refuse material of such property owner, tenant or resident, or in his garbage cans, so that it is or may be collected, removed or disposed of by the Borough or its garbage removal contractors.
10. No person shall cause the garbage or other refuse material of any non-resident of the Municipality to be placed within the Municipality so that it is or may be collected, removed or disposed of by the Municipality or its garbage removal contractors.

SECTION IV: STANDARDS FOR STORAGE OF SOLID WASTE

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials herein.
3. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter A. Regulations for the Storage of Municipal Waste.

SECTION V: STANDARDS AND REGULATIONS FOR COLLECTION

1. The Municipality shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multi-family residential sources.

2. All households and homeowners shall utilize the residential collection services provided by the Municipality.
3. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with Municipality's collector by the Municipality.
4. Each business, commercial and industrial establishment, and each church, school fraternal organization and other non-residential establishment situate within the Municipality shall cause its garbage and other refuse material to be disposed of with private contractors so as to comply with all Municipal ordinances and Commonwealth statutes relating to the disposal of garbage, rubbish and other refuse. No such establishment shall cause its garbage or its refuse material to be placed within the Municipality so that it is or may be collected, removed or disposed of by the Municipality or its garbage removal contractors.
5. Residential collection schedules shall be published regularly by the Municipality.

SECTION VI: COLLECTION AND DISPOSAL CHARGES

1. The governing body of the Municipality shall be authorized to make funds available, in accordance with the laws and procedures of the Municipality, for the contracting for the services of a Hauler or Private Collector for the collection and disposal of Municipal Waste.
2. The rate of charges to each household dwelling for the collection and disposal of solid wastes shall be in accordance with an annual fee schedule approved by the Municipality.
3. Upon failure of any person, firm or corporation to pay a garbage collection fee or charge when due, Borough Council may enter such claim as a municipal claim or may proceed for the recovery and collection of such claim by an action at law.
4. Annual fee schedules shall be published by the Municipality based on any competitively bid residential collection service contract that may be awarded by the Municipality and license applications.

SECTION VII: LICENSING REQUIREMENTS

1. No person shall collect, remove, haul or transport any solid waste upon or through any streets or alleys of the Municipality without first obtaining a license from the Armstrong County Department of Planning and Development pursuant to the requirements of the applicable County Ordinance.

SECTION VIII: VIOLATION ENFORCEMENT

In the event that any person is found to be in violation of this Ordinance, the Municipality may issue a written notice of violation to the alleged violator. This notice shall be in writing and sent by certified mail with return receipt requested. The notice shall state the nature of the violation(s) and the necessary corrective actions required in detail. The person notified shall be provided a reasonable time period (stated in notice) to either correct the violation(s) or appeal.

SECTION IX: INJUNCTION POWERS

The Municipality may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

SECTION X: PENALTIES

Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$300.00 nor more than \$1,000.00, or in default of payment of such fine, then by imprisonment for a period of not more than 90 days or both. Each day of violation shall be considered a separate and distinct offense.

SECTION XI: SEPARABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be invalidated by such action.

SECTION XII: CONFLICT

Any ordinances or any part of any ordinance which conflicts with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION XIII:

Borough Council may, from time to time adopt regulations to implement the terms and provisions of this Ordinance.

SECTION XIV: ORDINANCE NO. 241-90 IS HEREBY REPEALED.

SECTION XV: EFFECTIVE DATE

This Ordinance shall take effect on June 1, 1992.

ENACTED AND ORDAINED into an Ordinance this, the 6th day of July, 1992.

NORTH APOLLO BOROUGH

By: Robert E. Kennedy
President of Council

ATTEST:

Edward J. Stott Jr.

Secretary

APPROVED THIS 15th DAY OF July, 1992.

Larry A. Smith
Mayor