

## Chapter 126

### SOLID WASTE

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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville: Art. I, 9-23-1985 by Ord. No. 294; Art. II, 4-16-1990 by Ord. No. 334; 11-18-1996 by Ord. No. 366. Amendments noted where applicable.]

#### GENERAL REFERENCES

Property maintenance — See Ch. 114.

Sewers — See Ch. 118.

### ARTICLE I

#### Solid Waste Management

[Adopted 9-23-1985 as Ord. No. 294]

#### § 126-1. Title.

This Article shall be known as the "Montoursville Borough of Municipal Solid Waste Ordinance."

#### § 126-2. Definitions.

The following words and phrases when used in this Article 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** — Montoursville Borough, Lycoming County, Pennsylvania, the governing body or its officials thereof.

**COLLECTOR** — A person authorized by Lycoming County and the Borough of Montoursville to collect, transport and dispose of municipal waste.

**COMMERCIAL HAULER** — A person, partnership or other entity 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** — Lycoming County, Commonwealth of Pennsylvania and/or Lycoming County Solid Waste Disposal Department thereof.

**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 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 services to persons, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

**JUNKED or ABANDONED VEHICLE** — A motor vehicle not bearing a currently valid motor vehicle registration, and which is not capable of operation without mechanical repair, adjustment or replacement of a part or parts.

**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

(Cont'd on page 12603)



from operation or residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous wastes 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, 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 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.

**REFUSE** — All materials which are discarded as useless.

**REGULAR** — At least two (2) or more times per month.

**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 (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**TRANSPORTATION** — The off-site removal of any municipal waste at any time after generation.

### **§ 126-3. Storage, collection and disposal restrictions.**

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 ground or underground within the jurisdictional limits of the Borough of Montoursville, 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 its being placed in such containers. This section is not intended to prohibit use of a properly maintained home compost pile or a properly approved and permitted demolition facility.

### **§ 126-4. Dumping prohibited.**

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 the Borough of Montoursville or upon property owned or controlled by the borough or a municipal authority of the borough.

**§ 126-5. Hauling of waste.**

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 municipality and is permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection (DEP).

**§ 126-6. Farming and gardening.**

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

**§ 126-7. Authorization of collectors.**

It shall be unlawful for any person, other than such persons as are duly authorized by Lycoming County and the Borough of Montoursville, to collect and transport solid waste of any nature as a regular hauling business within or from the Borough of Montoursville or lands owned or controlled by the Borough or its agencies. Authorization shall be given only as set forth below.

**§ 126-8. Issuance of haulers licenses; fees.**

The county, with the approval of the Borough of Montoursville, shall authorize by issuance of a business license such hauler(s) to collect and transport all wastes in this municipality. All applications for licensing shall be reviewed by the Department of Solid Waste of Lycoming County as license issuing agent for the municipality 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 Article and the rules and regulations established by the County Solid Waste Department.
- B. At the time of application submission, the applicant shall indicate that he has the appropriate type of sanitary, watertight, closed or covered truck with which to collect municipal wastes and shall provide evidence that he carries sufficient liability insurance on the vehicle.
- C. Licenses shall be issued on a fiscal year (July 1 to June 30) basis, but may be revoked at any time by the Borough of Montoursville and the Lycoming County Solid Waste Disposal General Manager for just cause in accordance with the rules and regulations adopted by the Board of County Commissioners and pursuant to the rules and regulations of the DEP.
- D. Fees for such licenses shall be paid by the applicant to the county and said fees shall be on the basis of costs as provided for in the Rules and Regulations of Lycoming County Solid Waste Disposal.

**§ 126-9. Disposal of solid waste.**

All solid waste produced, collected and transported from within the jurisdictional limits of the Borough of Montoursville or from land owned or controlled by the borough or its agencies shall, to the extent permitted by law, be disposed of only at facilities designated and permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection.

**§ 126-10. Disposal at nonauthorized facilities.**

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

**§ 126-11. Bulky wastes and appliances.**

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 cleanup campaign by the Borough of Montoursville shall prescribe the manner of such collection and disposal.

**§ 126-12. Adoption of Department rules and regulations on storage collection, transportation processing and disposal.**

The Borough of Montoursville hereby adopts by reference the Rules and Regulations and Standards of the Department of Environmental Protection as promulgated under and pursuant to the Pennsylvania Solid Waste Management Act<sup>1</sup> with respect to the storage, collection, transportation, processing and disposal of municipal waste generated within the Borough of Montoursville or upon property owned or controlled by the borough or a municipal authority of the borough.

**§ 126-13. Amendments to Rules, Regulations and Standards.**

The Rules, Regulations and Standards shall be automatically amended from time to time with any lawful amendments to the Rules, Regulations and Standards of the Department of Environmental Protection.

**§ 126-14. Transportation of waste.**

Any person transporting solid waste within the Borough of Montoursville or its lands shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

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<sup>1</sup> Editor's Note: See 35 P.S. § 6018.101, et seq.

**§ 126-15. Violations and penalties.<sup>2</sup>**

Any person violating any of the provisions of this Article shall be guilty of a summary offense and shall upon conviction thereof before a district magistrate of Lycoming County, be sentenced to pay a fine of not more than the maximum amount allowed by law, together with the costs of prosecution or to undergo imprisonment in the Lycoming County Jail for a period of not more than thirty (30) days. Every violator of this Article shall be deemed guilty of a separate offense for each and every such separate offense violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

**§ 126-16. Failure to comply; removal; costs.**

In addition to the foregoing penalty, the Borough of Montoursville may require the owner or occupier of a property to remove any accumulation of solid waste or junked or abandoned motor vehicle, and should said person fail to remove the same within ten (10) days after written notice, the Borough of Montoursville 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 in equity.

**§ 126-17. Enforcement.**

It is hereby designated that the borough officials to whom all notices under this Article are to be given, and by whom all provisions of this Article are to be enforced, are is Borough Codes Enforcement Officer or Borough Secretary, Montoursville Borough Building, 12 North Washington Street, Montoursville, Pennsylvania, or the Lycoming County Solid Waste Disposal Manager, Lycoming County Courthouse, Williamsport, Pennsylvania.

**§ 126-18. Compliance with other provisions.**

This Article 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 Protection, Commonwealth of Pennsylvania.

**§ 126-19. Amendments to Article.**

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

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.



**ARTICLE II**  
**Recycling**  
**[Adopted 4-16-1990 as Ord. No. 334]**

**§ 126-20. Title.**

The short title of this Article shall be "Borough of Montoursville Recycling Ordinance," and the same may be cited in that manner.

**§ 126-21. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**ALUMINUM CANS** — Empty all-aluminum beverage and food containers.

**APPLICANT** — A person desirous of being authorized as a collector of source-separated recycled materials.

**BIMETAL CONTAINERS** — Empty food or beverage containers consisting of steel and aluminum.

**COMMERCIAL ESTABLISHMENT** — Those properties used primarily for commercial or industrial purposes and those multiple-dwelling residential buildings containing four (4) or more dwelling units.

**COMMUNITY ACTIVITIES** — Church, school, civic, service group, municipal functions and all other such functions.

**CORRUGATED PAPER** — Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

**FERROUS CONTAINERS** — Empty steel or tin-coated steel food or beverage containers.

**GLASS CONTAINERS** — Bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass and porcelain and ceramic products.

**HIGH-GRADE OFFICE PAPER** — All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

**INSTITUTIONAL ESTABLISHMENT** — Those facilities that house or serve groups of people such as hospitals, schools, day-care centers and nursing homes.

**LEAD ACID BATTERIES** — Includes but not limited to automotive, truck and industrial batteries that contain lead.

**LEAF WASTE** — Leaves from trees.

**LICENSED RECYCLING COLLECTOR** — A person authorized to collect source-separated recyclable materials from commercial, institutional and municipal establishments and multifamily housing properties in the Borough of Montoursville.

**MAGAZINES AND PERIODICALS** — Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

**MULTIFAMILY HOUSING PROPERTIES** — Having four (4) or more dwelling units per structure.

**MUNICIPAL ESTABLISHMENTS** — Public facilities operated by the Borough of Montoursville and other governmental and quasi-governmental authorities.

**MUNICIPAL RECYCLING PROGRAM** — A source separation and collection program for recycling municipal waste or source-separated recyclable materials, or a program for designated dropoff points or collection centers for recycling municipal waste or source-separated recyclable materials that is operated by or on behalf of a municipality. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of a municipality. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

**MUNICIPALITY** — The Borough of Montoursville, Lycoming County, Pennsylvania.

**NEWSPAPERS** — Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.<sup>3</sup>

**PERSON(S)** — Owners, lessees and occupants of residences, commercial or institutional establishments.

**PLASTIC CONTAINERS** — Empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be regulated.

**RECYCLING** — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

**RESIDENTIAL DWELLINGS** — Any occupied single or multifamily dwelling having up to and including three (3) dwelling units per structure.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** — Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

**WASTE** — A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials or material approved by the Department for beneficial use.

<sup>3</sup> Editor's Note: The former definition of "high-grade office paper" which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**§ 126-22. Establishment of a municipal recycling program.**

- A. There is hereby established a municipal recycling program for the mandatory separation of recyclable materials from solid waste by persons residing in single dwellings or multifamily dwellings having up to and including three (3) dwelling units per structure.
- B. The Borough of Montoursville, Department of Streets, shall be responsible for scheduling a day, at least once a month, for collection of recyclable material. The Department of Streets has the authority to establish and modify this schedule and the responsibility for communicating it to the residents of the borough, along with the authority to make regulations pursuant to this Article.

**§ 126-23. Placement for disposal by inhabitants of residential dwellings.**

- A. Recyclable materials from residential dwellings shall be placed at the curb or other designated place separate from solid waste for collection or taken to dropoff sites at such times, dates and places and manner as may be established by regulation of the Department of Streets. Materials to be recycled are: clear glass, brown glass, green glass and aluminum beverage containers and other materials as designated by the municipality.
- B. The recyclable materials shall be placed in designated containers which may be provided by the municipality and, if so provided, said containers shall be the property of the municipality and remain with the residence, regardless of owner or tenant.

**§ 126-24. Commercial municipal and institutional establishments and at community activities.**

- A. Commercial, municipal and institutional establishments shall separate and store, until collection, high-grade office paper, corrugated paper and aluminum, leaf waste and other source-separated recyclable materials which they may elect to recycle. These establishments must arrange for the transfer of the materials at least once a month to a recycling system by a collector licensed (for the purpose of collecting source-separated recyclable materials) by the Borough of Montoursville.
- B. The licensed recycling collector shall annually provide to the Borough of Montoursville evidence of each such arrangement and documentation of the total number of tons recycled by providing invoices showing the materials collected from the establishments (or properties) that were marketed.
- C. At all community activities, recyclable materials designed by the borough must be separated until collection. Sponsoring organizations must arrange for the transfer of the materials to a recycling system.
- D. Commercial, municipal and institutional establishments and coordinators of community activities who comply with this act shall not be liable for the noncompliance of their tenants where a portion of the building is leased to tenant(s) and/or for the noncompliance by the general public where there is public access to the building or grounds or in other public areas.

**§ 126-25. Placement for disposal at multifamily housing properties.**

The owner, landlord or an agent of an owner or landlord of multifamily housing properties of four (4) or more units shall establish a collection system for recyclables at each property. Materials to be separated are: clear glass, colored glass, aluminum cans. 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. These landlords or owners must arrange for the collection of the recyclable materials by a licensed recycler at least once a month. Owners, landlords and agents of owners or landlords who comply with this act shall not be liable for noncompliance of occupants of their buildings.

**§ 126-26. Lead acid batteries.**

No person may place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of the commonwealth.

**§ 126-27. Separation and disposal of leaves.**

All persons who reside in residential dwellings and all persons who are responsible for administration of multifamily housing properties, commercial, municipal and institutional establishments who gather leaves shall source-separate all leaves from other waste and place them for collection at the times and in the manner prescribed by the borough. Leaves are not to be incorporated into the regular waste stream. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscape purposes.

**§ 126-28. Licensing of collectors; fees.**

- A. The Borough of Montoursville shall authorize by issuance of a license, such hauler(s) to collect and market source-separated recyclable materials from multifamily dwellings, commercial and institutional establishments within the municipality. All applications for licensing shall be reviewed by the borough and shall be approved in accordance with the following criteria:
- (1) No person other than such persons as are duly authorized by the borough shall collect, transport and/or market source-separated recyclable materials within or from the borough. Authorization shall be given only by the Department of Streets of the Borough of Montoursville, or its designee, in accordance with regulations established by said Department.
  - (2) 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 Article and the rules and regulations established by the borough.

- (3) At the time of application submission, the applicant shall indicate that he has the appropriate type of closed or covered truck with which to collect source-separated recyclable materials and shall provide evidence that he carries sufficient liability insurance on the vehicle.
  - (4) Licenses shall be issued on a fiscal year basis and renewed annually, but may be revoked at any time by the Borough of Montoursville for just cause in accordance with the rules and regulations of the Borough of Montoursville and/or Department of Environmental Protection.
  - (5) Fees for such licenses shall be determined from time to time by resolution by the Borough Council of the Borough of Montoursville and said fees shall be on the basis of cost and covered in the rules and regulations of the Borough of Montoursville.
- B. Nothing herein shall prohibit an individual from taking his/her source-separated recyclable materials directly to a designated dropoff site or to market in accordance with this Article.

**§ 126-29. Collection of recyclable materials by unauthorized person(s).**

- A. Ownership of any recyclable materials is retained by the owners, lessees and occupants of residences, commercial or institutional establishments until the materials are placed at curbside or a similar location for collection. Thereafter, once the materials are placed at curbside or a similar location they become the property of the borough or its contract collector.
- B. It shall be a violation of this Article for any persons unauthorized by the borough to collect or pick up or cause to be picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

**§ 126-30. Delivery to landfills or incinerators.**

- A. All recyclable materials must be delivered by the authorized collector to recycling markets.
- B. It shall be a violation of this Article for the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal. The authorized collector will provide to the borough the weight receipts of the recyclable materials, collected and marketed.

**§ 126-31. Right to contract for services.**

Nothing herein is intended nor shall prohibit the Borough of Montoursville (which has the responsibility for municipal waste planning, recycling and waste reduction under the Act of July, 1988, No. 101,<sup>1</sup> from entering into agreement(s) with public or private agencies or firms

<sup>1</sup> Editor's Note: See the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.101 et seq.

to authorize them to collect all or part of the recyclable materials from residential dwellings at curbside or from dropoff collection points.

**§ 126-32. Violations and penalties.**

- A. Any action by any person, firm, corporation or other entity which violates this Article or any regulations thereof shall be punishable by a penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty. [Amended 3-3-1997 by Ord. No. 370]
- B. Responsibility for the enforcement of this Article shall be with the Borough of Montoursville Codes Enforcement Officer in conjunction with the Department of Streets.

**ARTICLE III**  
**Solid Waste Collection**  
 [Adopted 11-18-1996 by Ord. No. 366]

**§ 126-33. Intent and purpose.**

All domestic, commercial and industrial waste accumulated or stored upon any property within the Borough of Montoursville shall be collected and removed by a responsible person or collector who shall be licensed by the Borough of Montoursville and shall be disposed of in accordance with the Solid Waste Management Act<sup>2</sup> and the Municipal Waste Planning, Recycling and Waste Reduction Act.<sup>3</sup>

**§ 126-34. Definitions.**

As used in this article, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

**BOROUGH** — The Borough of Montoursville.

**COLLECTOR** — Any person who is engaged in the disposal of municipal waste for a fee or an agent, servant or employee of said person.

**DISPOSAL** — The storage, collection, disposal, transportation or handling of municipal waste.

**LICENSE** — A license or permit issued by the borough authorizing the collector to collect municipal waste generated in the borough or transport municipal waste in or through the borough to a municipal waste facility, a recycling facility or any other solid waste storage, collection, transfer, processing, recycling or disposal facility or site within or outside Lycoming County.

<sup>2</sup> Editor's Note: See 35 P.S. § 6018.101 et seq.

<sup>3</sup> Editor's Note: See 53 P.S. § 4000.101 et seq.

**MUNICIPAL WASTE** — Any garbage, refuse, industrial lunch room or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operating of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

**PARK OR PARKING** — As defined in 75 Pa.C.S.A. § 102.

**PERSON** — Any individual, firm, partnership, corporation, association, institution, corporate enterprise, a municipality, a municipal authority, governmental agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In connection with any provisions of this article prescribing a fine, penalty, imprisonment, denial or grant of any license, or any cancellation or revocation of any license, 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.

**§ 126-35. Licensing of collectors.**

- A. No collector shall dispose of any municipal waste generated in the borough without obtaining a license, nor shall any collector transport any municipal waste in or through the borough without obtaining a license.
- B. A collector shall be required to obtain only one license. A separate license for each employee or motor vehicle shall not be required.
- C. The fee for such license shall be payable annually and fixed pursuant to a resolution of the Borough Council, and all licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- D. Every person who shall apply for a license under this section shall state the equipment to be used, the manner of collection and the place and method of disposal.
- E. No license shall be granted if the equipment, place or method of disposal does not conform to the requirements of this article, any ordinances of the County of Lycoming or any state or federal laws, rules or regulations.
- F. It shall be unlawful for any person to permit an unlicensed collector to dispose of municipal waste generated in the borough.
- G. The Borough Secretary is authorized to issue a license to a collector in accordance with the terms of this article.

**§ 126-36. Schedules.**

The collector shall prepare a schedule of municipal waste pickup for each household on a weekly basis. The collector shall be responsible to notify residents of the days collections will be made.

**§ 126-37. Hours of operation.**

The collection of municipal waste shall not commence before 5:00 a.m. and shall be completed by 6:00 p.m. on any single day of collection.

**§ 126-38. Equipment of collector.**

- A. The collector shall be required to collect and remove municipal waste in motor-driven vehicles having enclosed steel bodies with covers and watertight and nonleakable bodies, and to so conduct the collection, removal and transportation of the waste so as to assure general cleanliness and sanitation throughout the entire process and operation thereof.
- B. The collector's equipment shall be in compliance with all rules and regulations of the Pennsylvania Department of Environmental Protection and the Lycoming County Solid Waste Department.
- C. The collector shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of waste collected by him, and to furnish, at his own cost, all vehicles, machinery and equipment.
- D. The collector is prohibited from parking or storing any motor-driven vehicle used for the collection, removal and transportation of municipal waste in any Residential R-1 District, Residential R-2 District or any Commercial District.
- E. The collector may park or store a motor-driven vehicle used for the collection, removal and transportation of municipal waste in a land conservation district or industrial district so long as it is not parked or stored within 150 feet of a residential dwelling.

**§ 126-39. Inspection of equipment.**

The borough, or its authorized designee, shall have the right to inspect the equipment of the collector for compliance with this article, the rules and regulations of the Department of Environmental Protection promulgated under the Pennsylvania Solid Waste Management Act, as defined in Section 75.29(i); Transportation Equipment, 25 (Pa. Code § 285.211 et seq., as amended), the rules and regulations of the Lycoming County Solid Waste Department and any other local, state or federal law.

**§ 126-40. Disposal.**

Each collector shall dispose of the waste at an approved disposal facility in accordance with the Lycoming County Solid Waste Management Plan.

**§ 126-41. Assignment of license.**

The collector shall not assign his license in whole or in part without the written consent of the Borough of Montoursville. Such consent does not release the collector from any of his or its obligations and liabilities under the license.



**§ 126-42. Workers' compensation and social security.**

The Workers' Compensation and Social Security Acts, as amended, are deemed a part of the license. The contractor shall be obliged to provide workers' compensation coverage, to the extent required by statute and shall fulfill the terms and save harmless the Borough of Montoursville and all its officers, agents and employees, successors and assigns, jointly and severally, of and from all manner of losses, suits, actions, payments, costs, charges, damages, judgments or claims or demands of any character, name or description brought on account of any injuries or damages received or sustained by any person, persons or property by reason of any act, omission, negligence or misconduct of said collector, his agents or employees in the execution of the license conditions.

**§ 126-43. Collector as independent contractor.**

The collector granted the license shall not in any manner be construed as an agent, servant or employee of the Borough of Montoursville but shall, at all times, be considered and remain an independent contractor.

**§ 126-44. Insurance coverage.**

The collector shall carry an insurance policy providing complete third party comprehensive liability and property damage insurance covering not only the collector but also the Borough of Montoursville, the limits of which shall be not less than \$300,000 to \$500,000 personal liability and \$100,000 property damage and shall furnish the proper certificates of insurance coverage to the Borough of Montoursville.

**§ 126-45. Suspension or revocation of license.**

The Borough Secretary shall revoke or suspend any license granted pursuant to this article when a collector violates any provision of this article or any rule or regulation promulgated pursuant hereto or violates any rule or regulation of the Pennsylvania Department of Environmental Protection or of the Lycoming County Solid Waste Department.

**§ 126-46. Appeals process.**

License denials, revocations or suspensions may be appealed to the Borough Council within 15 days of such denial, revocation or suspension. Such appeal shall be in writing and shall include but not be limited to a detailed statement of the reasons for the appeal. Such appeal shall be filed with the Borough Secretary. The Borough Council shall within 30 days hold a public hearing on such appeal, unless otherwise agreed to, and shall within 15 days after the conclusion of the hearing or hearings issue a written decision granting or dismissing the appeal. The failure of Borough Council to act within the time periods specified in this section shall constitute an affirmation of the denial, suspension or revocation. The decision of the Borough Council shall be final.

**§ 126-47. Faithful performance.**

Faithful performance must be of the essence of the license unless prevented by unavoidable accident, act of God or public immunity or any restrictions or embargoes imposed by the federal government or any agency thereof; and it is understood and agreed that all municipal waste shall be collected, removed and disposed of in a skillful and businesslike manner, satisfactory to the Borough of Montoursville.

**§ 126-48. Evidence of satisfactory equipment.**

The collector shall furnish evidence satisfactory to the Borough of Montoursville that he has available equipment, by ownership or by valid lease agreement, for collecting and disposing of municipal waste and that all equipment for the transporting of waste will comply with the equipment requirements of § 126-38 of this article.

**§ 126-49. Borough authority.**

The Borough Council shall have the power in its discretion to adopt and enforce rules and regulations for the enforcement of this article.

**§ 126-50. Unlawful activity.**

- A. It shall be unlawful for any person to cause or permit or assist in the violation of any provision of this article or any regulations promulgated pursuant thereto. Such unlawful activity shall be punishable as a violation of this article. All unlawful conduct shall also constitute a public nuisance.
- B. A violation of the rules and regulations of the Department of Environmental Protection promulgated under the Pennsylvania Solid Waste Management Act, as defined in Section 75.29(i): Transportation Equipment, as amended, or a violation of Lycoming County Solid Waste Management Ordinance or a violation of the rules and regulations of the Lycoming County Solid Waste Department shall also constitute a violation of this article.

**§ 126-51. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, plus costs of prosecution and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days. Every day that a violation of this article continues shall constitute a separate offense.

**§ 126-52. Injunctive relief.**

In addition to any other remedy provided in this article, the borough may institute proceedings to restrain any violation of, or to require compliance with, this article, any ordinance of the County of Lycoming or any state or federal law or rules and regulations.

**§ 126-53. Concurrent remedies.**

The existence or exercise of any remedy shall not prevent the borough from exercising any other remedy provided under this article, any ordinance of Lycoming County or any state or federal law, rule or regulation.

