

## **Chapter 20**

### **Solid Waste**

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**Part 1****Solid Waste Collection****A. Contracted Hauler****§20-101. Definitions.**

Where the following words are used in this Part, they shall be defined as follows:

*Borough*—the Borough of Ivyland, Bucks County, Pennsylvania.

*Collection fee*—the fee for collection of trash, garbage, refuse, yard waste, and recyclable materials established by Borough Council pursuant to §20-102.2.A below.

*Trash collection company*—a commercial trash, garbage, refuse and recyclable materials collection and disposal company.

(Ord. 2002-4, 3/13/2002, §1)

**§20-102. Borough Council's Authority to Contract for Waste Collection and to Impose Reasonable Fees, Late Fees, and Interest.**

1. Borough Council shall have the authority, subject to applicable statutory provisions, including public bidding requirements, to contract with a qualified reputable trash collection company for the collection of garbage, refuse, yard wastes, and recyclable materials from all dwellings in the Borough.

2. Upon entering into any contract with a trash collection company as set forth above, Borough Council shall have the authority to establish, by resolution all or any of the following:

A. The collection fee to be charged to the owner or owners of each dwelling unit in the Borough for such collection service, provided that the collection fee to be charged to the owner or owners of each dwelling unit shall not be greater than the actual cost of the contracted services for the period of the contract, divided by the number of dwelling units in the Borough.

B. The schedule for payment of the collection fee, such as monthly, quarterly, or otherwise.

C. A late charge, not to exceed 10 percent, on any collection fee account bill that is not paid within 60 days of its due date.

D. A reasonable interest rate to accrue on unpaid collection fee bills that remain unpaid after 60 days following the bill's due date.

3. Borough Council shall have the authority to designate, by resolution, the contracted trash collection company to act as the Borough's agent for billing and for collection of the collection fees and to receive such fees, and to take appropriate action as the Borough's agent in civil courts to collect unpaid fees, or to take such other action, including the suspension of collection services to any dwelling unit if the prescribed fee has not been paid as required.

(Ord. 2002-4, 3/13/2002, §2)

**§20-103. Borough's Remedies.**

1. In addition to any other available remedy, the Borough Council shall have, in accordance with applicable law, the authority to cause the filing of a municipal claim or lien for services against any residential property within the Borough for which a collection fee remains unpaid for more than 120 days.

2. In addition to any other available remedy, the Borough Council shall have the authority to undertake civil court collection proceedings against any owner or owners of a dwelling unit within the Borough for which a collection fee bill remains unpaid for more than 120 days.

3. In addition to any other available remedy, the Borough Council shall have the authority to direct the suspension of collection services to any dwelling unit within the Borough for which a collection fee bill remains unpaid for more than 120 days, and to continue such suspension until such time as the collection fees plus any applicable late fees and interest are paid.

*(Ord. 2002-4, 3/13/2002, §3)*

**B. Limit on Placement at Curb****§20-111. Limit on Time That Items, Materials and Containers May Remain at Curbside for Pickup by Borough's Trash Collector.**

No item, material, or substance of any kind, including materials intended for recycling, whether contained in a receptacle, box, crate, trash or refuse can or not, intended to be collected and removed by the Borough's designated trash collector and hauler, shall be placed on a sidewalk, curb, or along a public street or alley right-of-way earlier than 12 p.m. on the day before the designated collection day. Trash, refuse, and recyclable containers must be removed from the sidewalk, curb, or street or alley right-of-way no later than 12 a.m. on the designated day of collection.

*(Ord. 2007-5, 5/9/2007, §1)*

**§20-112. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 2007-5, 5/9/2007, §2; as amended by Ord. 2011-3, 11/9/2011)*



**Part 2****Municipal Waste Collection and Transportation****§20-201. Short Title.**

This Part shall be known and referred to as the “Municipal Waste Collection and Transportation Ordinance of Ivyland Borough.”

(*Ord. 2008-1, 3/12/2008, §1*)

**§20-202. Definitions.**

1. The following words and phrases as used in this Part shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

*Act 90*—Pennsylvania Waste Transportation Safety Act of 2002, P.L. 596, No. 90, June 29, 2002, 27 Pa.C.S.A. §6201 *et seq.*

*Act 97*—Pennsylvania Solid Waste Management Act of 1980, P.L. 380, No. 97, July 7, 1980, 35 P.S. §6018.101 *et seq.*

*Act 101*—Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 1988-101, July 28, 1988, 53 P.S. §4000.101 *et seq.*

*Collector or waste hauler*—any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste and/or source-separated recyclable materials.

*Commercial establishment*—any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

*County*—the County of Bucks, Pennsylvania.

*Disposal*—the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner 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 this Commonwealth. Disposal facilities include, but are not limited to, municipal waste landfills and construction/demolition waste landfills as defined by Act 101, Act 97, and/or PADEP rules and regulations (25 Pa.Code, Chapters 75 and 271).

*Industrial establishment*—any establishment engaged in manufacturing or production activities including, but not limited to, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

*Institutional establishment*—any establishment or facility engaged in services including, but not limited to, hospitals, nursing homes, schools and universities.

*Leafwaste*—leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

*Licensed collector or licensed waste hauler*—a person who has written authorization from the PADEP under Act 90 to collect, haul, transport and dispose of municipal waste.

*Municipality*—any of the 54 minor civil divisions in Bucks County, Pennsylva-

nia.

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

*PADEP*—the Pennsylvania Department of Environmental Protection.

*Person*—any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Part 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.

*Processing*—any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to transfer facilities, recycling facilities, composting facilities, and resource recovery facilities.

*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 generation of energy.

*Scavenging*—the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a processing or disposal facility.

*Source-separated recyclable materials*—materials, including leaf waste, that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

*Transportation*—the off-site removal of any municipal waste at any time after generation.

2. For the purpose of this Part, the singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 2008-1, 3/12/2008, §2)

### **§20-203. Prohibited Activities.**

1. It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial, industrial or institutional establishment within Ivyland Borough without first securing written authorization from the PADEP in accordance with the provisions of Act 90.

2. It shall be unlawful for any person to store, collect and/or transport municipal

waste or source-separated recyclable materials from any sources within Ivyland Borough in a manner not in accordance with the provisions of this Part, any applicable municipal ordinance, the Revised County Plan, Act 90, Act 101, the minimum standards and requirements established in Chapter 285 of the PADEP Municipal Waste Management Regulations (25 Pa.Code, Chapter 285), any applicable Bucks County Department of Health regulations, and/or any other Federal, State, or local regulations.

3. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within Ivyland Borough without prior approval from the municipality.

*(Ord. 2008-1, 3/12/2008, §3)*

**§20-204. Standards for Collection and Transportation.**

All collectors or waste haulers operating within Ivyland Borough must comply with the following minimum standards and regulations:

A. All trucks or other vehicles used for collection and transportation of municipal waste and/or source-separated recyclable materials must comply with the applicable requirements of Act 90, Act 97, Act 101, and PADEP regulations adopted pursuant to Act 97 and Act 101, including the 25 Pa.Code, Chapter 285, Subchapter B, regulations for the collection and transportation of municipal waste.

B. All collection vehicles conveying municipal waste and/or source-separated recyclable materials shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.

C. All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

D. All collection vehicles conveying nonputrescible municipal waste and/or source-separated recyclable materials shall be capable of being enclosed or covered to prevent litter and other nuisances.

E. All collection vehicles conveying municipal waste and/or source-separated recyclable materials shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of material transported by the vehicle. All such signs shall have lettering which is at least 6 inches in height as required by Act 101.

F. All collection vehicles and equipment used by collectors or waste haulers shall be subject to inspection by the Ivyland Borough or its authorized agents at any reasonable hour without prior notification.

*(Ord. 2008-1, 3/12/2008, §4)*

**§20-205. Licensing and Registration Requirements.**

1. No person shall collect, or remove any municipal waste from within Ivyland Borough without first obtaining written authorization from PADEP in accordance with the provisions of Act 90 and providing a copy of such written authorization to Ivyland Borough. This Section shall not apply to private individuals (e.g., homeowners) who wish to transport their own household waste to PADEP approved facilities or

recyclables to appropriate recycling centers, nor to farmers, landscapers or nurserymen, who collect, remove, haul or otherwise, transport agricultural or other organic waste associated with their respective business activities.

2. For a collector or waste hauler to collect and transport municipal waste within Ivyland Borough a collector or waste hauler shall submit a registration form to Ivyland Borough which shall include a copy of their State issued written authorization, and a copy of their Municipal and Residual Waste Transporter Authorization Application (DEP form 2500-PM-BWM0015) along with any of the following information that may be deemed appropriate by the municipality:

A. A list of collection vehicles covered under the written authorization including, as a minimum, the following information for each vehicle: identification information for each vehicle (such as vehicle license number, vehicle registration number, or company identification number); date and location of most recent vehicle inspection; and hauling capacity of the vehicle.

B. The type of municipal waste to be collected and transported.

C. Certificate(s) of insurance evidencing that the waste hauler or collector has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by separate resolution of the governing body of the Borough.

D. If they are hauling or collecting source-separated recyclable materials in the Borough, identify the materials being hauled or collected and provide the following information for each vehicle: identification information for each vehicle (such as vehicle license number, vehicle registration number, or company identification number); date and location of most recent vehicle inspection; and hauling capacity of the vehicle.

3. Any person who fails to satisfy the minimum standards and requirements of this Part or is in violation of the provisions of this Part may not lawfully collect municipal waste or source-separated material in Ivyland Borough.

4. All licensed collectors and licensed waste haulers shall meet the requirements of Act 90, Act 97, Act 101, the Bucks County Municipal Waste Management Plan, and all PADEP rules and regulations (25 Pa.Code, Chapter 285).

(*Ord. 2008-1, 3/12/2008, §5*)

#### **§20-206. Reporting Requirements.**

1. All licensed collectors and licensed waste haulers and collectors and haulers of source-separated recyclable materials operating within Ivyland Borough shall participate in the Bucks County Municipal Recycling Documentation Program. The program will provide a system for documenting the origin of municipal waste and source-separated recyclable material by municipality and the ultimate disposal point of said waste and recyclables. Each licensed collector and licensed waste hauler and collectors and haulers of source-separated recyclable materials operating in Ivyland Borough shall prepare and submit an annual report to the municipality on the official Collectors and Haulers Recyclables Documentation Reporting Form. The report shall be submitted by the PADEP licensed collector or licensed waste hauler and collectors and haulers of source-separated recyclable materials to Ivyland Borough by January 31 of each year and include all of the required information pertaining to the preceding

calendar year.

2. All annual reports submitted to the municipality from licensed collectors and licensed waste haulers and collectors and haulers of source-separated recyclable materials shall be combined into a single report and submitted by the municipality on the official Municipal Recyclables Documentation Reporting Form to the County by February 28 of the year following the reporting period.

*(Ord. 2008-1, 3/12/2008, §6)*

**§20-207. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. For purposes of this Section, the doing of any act or thing prohibited by any provision of this Part, or the failure to do any act or thing as to which any provision of this Part creates any affirmative duty, shall constitute a violation of this Part punishable as herein stated. Licensed collectors and licensed waste haulers who shall violate any provision of this Part may be reported to the PADEP, by Ivyland Borough and may be subject to the revocation of the State authorization to transport municipal waste, as described in Act 90.

*(Ord. 2008-1, 3/12/2008, §7)*

**§20-208. Injunctive Powers.**

Ivyland Borough may petition the Bucks County Court of Common Pleas for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Part.

*(Ord. 2008-1, 3/12/2008, §8)*

