

Part 1

Solid Waste Disposal and Recyclables

§ 20-101. Title.

This Part shall be known as and may be cited as the "Solid Waste and Recycling Collection and Disposal Ordinance of the Borough of Dallas."

(Ord. 1991-6, --/1991, § I)

§ 20-102. Purposes of Part.

The purposes of this Part are to provide for the collection and disposal of garbage, solid waste and recyclable materials produced and generated within the Borough of Dallas in the most efficient and economically sound manner, to reduce the volume of garbage and solid waste disposed of within the Borough; and, further to create and to implement a general municipal waste management plan and project so as to conserve natural resources and to support the right of the residents of the Borough to dwell in a clean and healthy environment.

(Ord. 1991-6, --/1991, § II)

§ 20-103. Definitions.

As used in this Part, unless the context clearly indicates otherwise, the following words and terms shall be construed as follows:

Aluminum containers—all empty aluminum food and beverage containers.

Bi-metallic containers—empty food and beverage containers consisting of aluminum, steel and tin coating. A can is bi-metallic if a magnet sticks to the sides but not to the ends.

Commercial establishment—those premises used principally for non-manufacturing or non-processing business including, but not limited to, stores, offices, restaurants, shopping centers, gas stations, and churches.

Community activities—all events or activities which are sponsored by public, private, non-profit, and municipal agencies or individuals that include, but are not limited to, fairs, bazaars, socials, and organized athletic events attended by 200 or more people.

Corrugated paper—structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Disposal—the deposition, incineration, 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 into the waters of the Commonwealth of Pennsylvania.

Garbage—solid waste resulting from the preparation, cooking, handling, dealing, storing, sale, and consumption of all animal and vegetable wastes.

Glass containers—empty bottles and jars made of clear, green and brown glass.

Improved property—any premises within the municipality upon which there is erected a structure intended for habitation, occupancy, or use by human beings or animals, and from which solid waste or recyclable materials shall or may be generated or produced.

Industrial establishment—any entity engaged in manufacturing, industry, trade or business process.

Institutional establishment—any facility that houses or serves groups of people, including, but not limited to, hospitals, schools, day care centers and nursing homes.

Leaves—leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clipping.

Municipal establishments—the public facilities operated by the member municipalities and Dallas Area Municipal Authority.

Municipality—this political subdivision of the Commonwealth of Pennsylvania.

Newsprint—paper of the type commonly used for newspapers and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers.

Owner—any person vested with ownership, legal or equitable, sole or partial, of any property located in the Authority's service area.

Person—any individual, partnership, company, business organization, association, society, corporation or other group or entity.

Plastics—empty plastic food and beverage containers.

Private or commercial collectors, haulers or transporters—any person or business organization which provides collection, transportation, and disposal services of solid waste, who is not an agent or contractor of the Borough.

Recyclable materials—materials enumerated in Act 101 of 1988, 53 P.S. §§ 4000.101 *et seq.*, of the Commonwealth of Pennsylvania, and materials identified by the Borough or its agent or contractor for recycling.

Residential dwelling—a single- or multi-family dwelling including, but not limited to, condominium units, apartments, and mobile homes.

Solid waste—materials or substances, discharged or rejected as being spent, useless, worthless, or in excess by a person and any garbage, refuse, industrial, lunchroom or office waste and other material including solid, liquid or semi-solid or contained gaseous material resulting from the operation of residential, municipal, commercial, industrial or institutional establishments. The term does not include recyclable materials or materials approved for beneficial use by the Borough, or its agent or contractor.

(Ord. 1991-6, --/1991, § III)

§ 20-104. Unlawful Activities and Liability of Owners and Occupants of Real Property.

1. It shall be unlawful hereafter to accumulate, collect, transport, remove, deposit, maintain or dispose of garbage, solid waste, and recyclable materials upon any

public or private property within the Borough, except in accordance with the terms and provisions of this Part.

2. An owner, lessee, tenant, or occupant of any unimproved premises or any building, structure, or like improvement erected upon any real property situated within the Borough and used for any purpose whatsoever shall be liable for the collection and disposal of all garbage, solid waste, and recyclable materials produced or generated upon or within the premises, building or structure owned or occupied by a person in accordance with the terms and provisions of this Part.

(*Ord. 1991-6, --/1991, § IV*)

§ 20-105. Collection, Transportation, and Disposal of Solid Waste and Recyclable Materials.

1. All residential solid waste and recyclable materials produced, generated, accumulated, or deposited within the Borough of Dallas shall be collected, transported and disposed of solely and exclusively by the Borough, or its agent or contractor.

2. All garbage and solid waste produced, generated, accumulated, or maintained within the Borough by a commercial, institutional, or industrial enterprise, organization or establishment, or a sponsor of any community or public activity within the Borough shall be collected, transported, and disposed of periodically in a safe and sanitary manner by a private or commercial refuse collector or hauler or a transporter for hire, or by the Borough, or its agent or contractor, by contract.

3. No person including, but not limited to, an owner, occupant, lessee, commercial collector, hauler or transporter of residential garbage, solid waste and/or recyclable materials for hire, or otherwise, shall accumulate, deposit, maintain or place or caused to be accumulated, deposited, maintained or placed upon any lot or parcel of real property used for a dwelling or residential purposes within or without a residential district or zone of the Borough for the purpose of the collection, transportation, or disposal of residential garbage, solid waste or recyclable materials by any entity other than the Borough, or its agent or contractor.

4. It shall be unlawful for any person, who is not a permanent resident of the Borough, to transport or convey into the Borough or to deposit, place, or dispose of upon or within any premises or structure located in the Borough of Dallas any garbage, solid wastes or recyclable materials produced and generated elsewhere for the purpose of the collection, transportation or permanent disposal of any garbage, solid waste, or recyclable materials by anyone within the Borough.

5. An owner, occupant, lessee, proprietor, operator, or supervisor of any commercial, institutional, industrial or municipal enterprise, organization or establishment and a sponsor of any community or public activity within the Borough, shall provide for the private or commercial collection, transportation, and disposal of the recyclable materials of the kind and nature provided in this Part hereafter, which are produced or generated by their use. Each commercial, institutional, industrial or municipal enterprise, organization or establishment and each sponsor of any community or public activity subject to this provision shall account to the Borough, or its agent or contractor at least annually for the volume of the recyclable materials caused to be recycled by it hereunder.

(*Ord. 1991-6, --/1991, § V*)

§ 20-106. Recycling of Materials.

1. An owner, lessee, tenant or occupant of any structure used for a dwelling or residential purposes within the Borough, shall cause to be recycled the following materials produced or generated as household waste therein: aluminum containers, plastics, and steel and bi-metallic containers.

2. As may be provided by resolution hereafter passed, the following materials may be included in this provision for the recycling of household waste: clear glass, colored glass containers, high-grade office paper, newsprint, corrugated paper, and bi-metallic containers, and such other materials as may be included.

3. An owner, lessee, tenant, proprietor, operator or supervisor of any commercial, institutional, industrial or municipal enterprise, organization or establishment and a sponsor of any community or public activity within the Borough shall cause to be recycled the following materials: aluminum cans, high-grade office paper, corrugated paper, leaves, clear and colored glass containers and newsprint.

4. All recyclable materials collected as provided in subsections .1 and .2 of this Section shall become the absolute property of the Borough, or its agent or contractor, and title thereto shall pass irrevocably when the same are deposited or placed at curbside for collection by the owner, lessee, tenant or occupant of the abutting premises.

(Ord. 1991-6, --/1991, § VI)

§ 20-107. Contracting of Collection, Transportation and Disposal of Residential Solid Wastes and Recyclable Materials and the Administration Thereof.

1. The Borough of Dallas is authorized to contract with Dallas Area Municipal Authority, a municipal authority organized and existing under the laws of the Commonwealth of Pennsylvania and created heretofore by the Borough, and the Township of Kingston, and the Township of Dallas, Luzerne County, Pennsylvania, for general purposes, for the collection, transportation and disposal of all residential garbage, solid waste and recyclable materials produced and generated within the Borough.

2. A contract for such services shall be set forth in a service agreement to be entered into between the Borough and Dallas Area Municipal Authority, which service agreement shall provide, among other things, for the administration of the municipal residential solid waste and recyclable materials collection, transportation and disposal program as created hereunder, and it shall delegate to Dallas Area Municipal Authority the duty to implement and to conduct in all respects the operation of the aforesaid program to the extent and in a manner provided by law.

(Ord. 1991-6, --/1991, § VII)

§ 20-108. Service Charges and Provision for Payment Thereof.

The Borough is authorized to levy, charge, assess, adopt, and collect from time to time service charges and fees for the collection, transportation and disposal of garbage, solid waste and recyclable materials within the Borough, as provided herein, to the extent and in the manner provided by law.

(Ord. 1991-6, --/1991, § VIII)

§ 20-109. Inspection.

Any person who shall place at curbside garbage, solid waste or recyclable materials for collection, transportation or disposal shall be deemed to have given consent, whether express or implied, to the Borough, or its agent or contractor to open and inspect any container, receptacle or enclosure containing or purporting to contain garbage, solid waste, or recyclable materials.

(*Ord. 1991-6, --/1991, § IX*)

§ 20-110. Enforcement.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 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. 1991-6, --/1991, § X; as amended by A.O.*)