

K.T.

ORDINANCE NO. 6 OF 1991

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE COLLECTION, TRANSPORTATION AND DISPOSAL OF GARBAGE, SOLID WASTE AND RECYCLABLE MATERIALS WITHIN THE TOWNSHIP OF KINGSTON, DESIGNATING DALLAS AREA MUNICIPAL AUTHORITY AS THE EXCLUSIVE COLLECTOR OF ALL RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS WITHIN THE TOWNSHIP OF KINGSTON, PROVIDING FOR THE LEVYING AND ADOPTION OF SERVICE CHARGES AND FEES FOR THE COLLECTION, TRANSPORTATION AND DISPOSAL OF GARBAGE, SOLID WASTE AND RECYCLABLE MATERIALS AND PENALTIES FOR THE VIOLATION OF THE ORDINANCE

WHEREAS, the regulation of the collection, transportation and disposal of garbage, solid waste and recyclable materials within the Township of Kingston bears a real and substantial relationship to the health, safety, and welfare of the residents of the Township of Kingston; and

WHEREAS, the laws of the Commonwealth of Pennsylvania empower the Township of Kingston to promulgate regulations governing the collection, transportation, and disposal of garbage, solid waste and other refuse materials; and

WHEREAS, the laws of the Commonwealth of Pennsylvania empower the Township of Kingston to fix, alter, charge, adopt and collect rates and other charges for the collection, transportation, and disposal of garbage, solid waste and other refuse materials; and

WHEREAS, the laws of the Commonwealth of Pennsylvania empower the Township of Kingston to contract with a municipal authority organized and existing under Pennsylvania law for the implementation of a municipal garbage, solid waste and recyclable project.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, AS FOLLOWS:

I. TITLE

This ordinance shall be known as and may be cited as "THE SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL ORDINANCE OF THE TOWNSHIP OF KINGSTON".

II. PURPOSES OF ORDINANCE

The purposes of this ordinance are to provide for the collection and disposal of garbage, solid waste and recyclable materials produced and

generated within the Township of Kingston in the most efficient and economically sound manner, to reduce the volume of garbage and solid waste disposed of within the Township of Kingston; and further to create and to implement a general municipal waste management plan and project as to conserve natural resources and to support the right of the residents of Township of Kingston to dwell in a clean and healthy environment.

### III. DEFINITIONS

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

1. "Aluminum Containers" shall mean all empty aluminum food and beverage containers.
2. "Bi-Metallic Containers" shall mean 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.
3. "Commercial Establishment" shall mean 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.
4. "Community Activities" shall mean 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 two hundred (200) or more people.
5. "Corrugated Paper" shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridge.
6. "Disposal" shall mean 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.
7. "Garbage" shall mean solid waste resulting from the preparation, cooking, handling, dealing, storing, sale, and consumption of all animal and vegetable wastes.

8. "Glass Containers" shall mean empty bottles and jars made of clear, green and brown glass.

9. "Improved Property" shall mean 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.

10. "Industrial Establishment" shall mean any entity engaged in manufacturing, industry, trade or business process.

11. "Institutional Establishment" shall mean any facility that houses or serves groups of people, including but not limited to hospitals, schools, day care centers and nursing homes.

12. "Leaves" shall mean leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clipping.

13. "Municipal Establishments" shall mean the public facilities operated by the member municipalities and Dallas Area Municipal Authority.

14. "Municipality" shall mean this political subdivision of the Commonwealth of Pennsylvania.

15. "Newsprint" shall mean 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.

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

17. "Person" shall mean any individual, partnership, company, business organization, association, society, corporation or other group or entity.

18. "Plastics" shall mean empty plastic food and beverage containers.

19. "Private or Commercial Collectors, Haulers or Transporters" shall mean any person or business organization which provides collection, transportation, and disposal services of solid waste, who is not an agent or contractor of the municipality.

20. "Recyclable Materials" shall mean materials enumerated in Act 101 of 1988 of the Commonwealth of Pennsylvania, and materials identified by the municipality or its agent or contractor for recycling.

21. "Residential Dwelling" shall mean a single or multi-family dwelling, including, but not limited to, condominium units, apartments, and mobile homes.

22. "Solid Waste" shall mean 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 municipality, or its agent or contractor.

#### IV. UNLAWFUL ACTIVITIES AND LIABILITY OF OWNERS AND OCCUPANTS OF REAL PROPERTY

(A) 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 Township of Kingston, except in accordance with the terms and provisions of this Ordinance.

(B) An owner, lessee, tenant, or occupant of any unimproved premises or any building, structure, or like improvement erected upon an real property situated within the Township of Kingston 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 Ordinance.

V. COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS

(A) All residential solid waste and recyclable materials produced, generated, accumulated, or deposited within the Township of Kingston shall be collected, transported and disposed of solely and exclusively by the Township of Kingston, or its agent or contractor.

(B) All garbage and solid waste produced, generated, accumulated, or maintained within the Township of Kingston by a commercial, institutional, or industrial enterprise, organization or establishment, or a sponsor of any community or public activity within the Township of Kingston 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 Township of Kingston, or its agent or contractor, by contract.

(C) 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 Township of Kingston for the purpose of the collection, transportation, or disposal of residential garbage, solid waste or recyclable materials by any entity other than the Township of Kingston, or its agent or contractor.

(D) It shall be unlawful for any person, who is not a permanent resident of the Township of Kingston, to transport or convey into the Township of Kingston or to deposit, place, or dispose of upon or within any premises or structure located in the Township of Kingston 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 Township of Kingston.

(E) 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 Township of Kingston, shall provide for the private or commercial collection, transportation, and disposal of the recyclable materials of the kind and nature provided in this Ordinance 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 Township of Kingston, or its agent or contractor at least annually for the volume of the recyclable materials caused to be recycled by it hereunder.

## VI. RECYCLING OF MATERIALS

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

(B) 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.

(C) 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 Township of Kingston shall cause to be recycled the following materials: Aluminum cans, high-grade office paper, corrugated paper, leaves, clear and colored glass containers and newsprint.

(D) All recyclable materials collected as provided in paragraphs 1 and 2 of this Section 6 shall become the absolute property of the Township of Kingston, 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.

## VII. CONTRACTING OF COLLECTION, TRANSPORTATION AND DISPOSAL OF RESIDENTIAL SOLID WASTES AND RECYCLABLE MATERIALS AND THE ADMINISTRATION THEREOF

(A) The Township of Kingston 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 of Dallas, 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 Township of Kingston.

(B) A contract for such services shall be set forth in a Service Agreement to be entered into between the Township of Kingston and DALLAS AREA MUNICIPAL AUTHORITY, which Service Agreement shall

XIII. AMENDMENT OF ORDINANCE

The right to amend this Ordinance or any portion thereof from time to time as is deemed advisable for the effective administration of this Ordinance is reserved.

XIV. EFFECTIVE DATE

This Ordinance shall become effective immediately and Sections IV, V, VI, IX, and X shall be enforced on and after July 1st, 1991.

DULY ENACTED AND ORDAINED AT A PUBLIC MEETING OF THE TOWNSHIP OF KINGSTON HELD ON THE 29<sup>th</sup> DAY OF May, 1991.

TOWNSHIP OF KINGSTON

By Herbert Lee

ATTEST:

Jeffrey K. Box  
SECRETARY

(SEAL)

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.

#### VIII. SERVICE CHARGES AND PROVISION FOR PAYMENT THEREOF

The Township of Kingston 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 Township of Kingston, as provided herein to the extent and in the manner provided by law.

#### IX. 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 Township of Kingston, 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.

#### X. ENFORCEMENT

Any person violating any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars and/or to imprisonment for a term not to exceed thirty (30) days and to pay all costs of prosecution. A separate offense shall be deemed committed on each day during which a violation occurs.

#### XI. ORDINANCE REPEAL

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as it affects this Ordinance.

#### XII. SEVERABILITY

If any provisions, sentence, clauses, section or part of this Ordinance is, for any reason whatever, determined to be invalid, illegal or unconstitutional, such determination shall not affect or impair any of the remaining provisions or parts of this Ordinance.