

**CHAPTER 20**  
**SOLID WASTE**

**PART 1**

**COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND  
DISPOSAL OF BOROUGH WASTE**

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**PART 1**

**COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND  
DISPOSAL OF BOROUGH WASTE**

**§20-101. Title.**

This Part shall be known as the "Port Royal Borough Municipal Waste Ordinance."

(Ord. 1985-2, 4/10/1985, Art. I, §1)

**§20-102. Definitions.**

The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

**APPLICANT** - a person desirous of being licensed as a collector.

**BOROUGH** - Port Royal Borough, Juniata County, Pennsylvania.

**BOROUGH 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, except farm produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

**COLLECTOR** - a person licensed by the Borough to collect, transport and dispose of Borough waste.

**DISPOSAL** - the incineration, deposition, injection, dumping, spilling, leaking or place of Borough waste into or on the land or water in a manner that the Borough waste or a constituent of Borough 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, building, structure, transfer station or premises to be used for Borough waste disposal.

**INSTITUTIONAL ESTABLISHMENT** - any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

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**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, storage, collection, transportation, processing, treatment and disposal of Borough waste by any person engaging in such process.

**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 Borough waste or any technology used to convert part or all of such waste materials for offsite 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.

**TRANSPORTATION** - the offsite removal of any Borough waste at any time after generation.

*(Ord. 1985-2, 4/10/1985, Art II, §1)*

### **§20-103. Dumping.**

1. It shall be unlawful for any person to store, dump, discard or deposit or permit the storage, dumping, discarding or depositing of any Borough waste upon the surface of the ground or underground within the jurisdictional limits of this Borough, 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.
2. It shall be unlawful for any person to dump or deposit Borough waste into any stream or body of water within the jurisdictional limits of this Borough.
3. Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling Borough waste for profit, from hauling such Borough waste on an irregular and unscheduled basis, to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection.  
[A.O.]

*(Ord. 1985-2, 4/10/1985, Art. III, §§1-3; as amended by A.O.)*

**§20-104. Authorization of Collectors.**

1. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough Council, to collect and transport Borough waste of any nature within or from the Borough. Authorization shall be given only as set forth below.
2. Authorization to collect, transport and dispose of Borough waste for persons other than oneself may be given only by the Borough Council through the issuance of a license. All applications for licensing 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 Part.
  - B. At the time of application submission, the applicant shall indicate that he has the appropriate type of sanitary, closed or covered truck with which to collect Borough waste.
  - C. Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Council for just cause.
  - D. Fees for such licenses shall be established by resolution of the Borough Council.
3. The Borough Council may authorize other individuals to collect and transport Borough waste in certain instances without a license as required above, but only in the following circumstances:
  - A. Where, in the opinion of the Borough Council, mandatory utilization of the collection system will cause undue hardship on a commercial or industrial establishment in the Borough.
  - B. Where it is established that the collection system and/or the Borough hauler(s) are unable to adequately serve the collection needs of a commercial or industrial operation because a unique type of waste is generated or because special transporting facilities are required to collect and haul the waste.

(Ord. 1985-2, 4/10/1985, Art. IV, §§1-3)

**§20-105. Preparation and Storage of Borough Waste.**

1. The storage of all Borough waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance.

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2. Any person accumulating or storing garbage on private or public property in the Borough for any purpose whatsoever (including waste being stored temporarily for door-to-door collection) shall place the same or cause the same to be placed in sanitary closed or covered containers in accordance with the following standards:
  - A. Containers used for the storage of Borough waste shall be of metal, plastic or fiberglass construction, rust and corrosion resistant, equipped with lids, water proof and leak proof and except in the case of bulk containers, shall not exceed 30 gallons in capacity. Plastic trash bags, if not punctured, may be used to store Borough waste.
  - B. All containers shall be kept in a sanitary condition and in good repair. Any container that does not conform with this Part or is difficult to handle, or is likely to injure the collector or his employees, or hampers the prompt collection of Borough waste shall be replaced upon notice to the owner of such container.
  - C. A sufficient number of containers shall be provided to contain all Borough waste materials that are required to be placed in containers generated during period between regularly scheduled collections.
3. Borough waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:
  - A. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers previously described and all ashes shall be free of any burning material before being deposited for collection.
  - B. Tree, brush, hedge and similar clippings, including Christmas trees shall be cut in lengths not to exceed 6 feet and shall be bound securely in bundles not to exceed 40 pounds in weight before being deposited for collection.
  - C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed 6 feet in length and 40 pounds in weight before being deposited for collection.
  - D. No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.
  - E. Borough waste of a highly flammable or explosive nature or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed in accordance with the directions of the Borough.

4. Containers for door-to-door collection shall be placed in the following manner to facilitate such collection:
  - A. Containers, other than bulk containers, shall be placed, whenever possible, at ground level and at a point on the curb line of the street or within no less than 10 feet of the public street or alley right-of-way from which collection from a vehicle can be made or at such other locations as may be approved by the licensed collector. Failure to place containers at such locations may result in an additional charge for collection.
  - B. Bulk containers shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector that will enable clear and easy access to the container by the collector's vehicle.

*(Ord. 1985-2, 4/10/1985, Art. V, §§1-4)*

**§20-106. Disposal of Borough Waste.**

1. All Borough waste produced, collected and transported from within the jurisdiction limits of the Borough shall be disposed of at a State permitted facility.
2. It shall be unlawful for a licensed or authorized collector in the Borough to dispose of Borough waste collected within the Borough at a place other than the permitted facility licensed by the Department of Environmental Protection and in accordance with the Juniata County Solid Waste Plan. [A.O.]
3. The disposal of bulky wastes such as, but not limited to, refrigerators, stove, other appliances, pieces of furniture, auto parts and other household goods and equipment shall be performed by annual collection and in a manner to be designated by the Borough and advertised in a newspaper of general circulation.

*(Ord. 1985-2, 4/10/1985, Art. VI, §§1-4; as amended by A.O.)*

**§20-107. Transportation of Borough Waste.**

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

*(Ord. 1985-2, 4/10/1985, Art. VII, §1)*

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### **§20-108. Collection and Collection Charges.**

1. Borough waste to be collected by the licensed hauler shall be prepared for a collection at least once each week, except where conditions beyond the control of the hauler prevent it.
2. Any person or commercial establishment authorized to dispose of their own refuse shall provide for collection at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly or potentially harmful to the public health.
3. All agreements for collection, transportation and disposition of Borough waste collected on a door-to-door basis shall be by private contract between the person and the collector. The Borough Council may choose and levy an annual Borough waste service fee to ensure proper collection, transportation and disposal of Borough waste in accordance with the intent of this Part, if the private contract arrangements for payment in full.

*(Ord. 1985-2, 4/10/1985, Art. VIII, §§1-3)*

### **§20-109. Penalties and Remedies.**

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor 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. [A.O.]
2. In addition to the foregoing penalty, the Borough may require the owner or occupier of a property to remove any accumulation of Borough waste or junked or abandoned motor vehicles and should said person fail to remove the same within 10 days after written notice, the Borough may cause the same to be done and collect the costs thereof together with a penalty of 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.

*(Ord. 1985-2, 4/10/1985, Art. IX, §§1-2)*