

CHAPTER 20

SOLID WASTE

PART 1

REFUSE COLLECTION AND DISPOSAL

- §20-101. Short Title
- §20-102. Definitions
- §20-103. Classification of Properties
- §20-104. Administration
- §20-105. Storage of Refuse
- §20-106. Collection Practices
- §20-107. Fees
- §20-108. Exception to Fees
- §20-109. Deposit and Collection of Trash, Rubbish and Other Waste Materials;
Penalties

PART 2

WASTE RECYCLING

- §20-201. Purpose
- §20-202. Statutory Authority for Ordinance
- §20-203. Definitions
- §20-204. Establishment at Curbside Program
- §20-205. Requirements for Source Separation and Collection
- §20-206. Mandatory Commercial, Municipal and Institutional Establishments Source
Separation Program
- §20-207. Mandatory Source Separation of Leaves
- §20-208. Responsibilities of Owners and Landlords of Multi-Family Rental Housing
Properties
- §20-209. Notice and Public Education
- §20-210. Unlawful Activities
- §20-211. Noncollection of Solid Waste Contaminated by Designated Recyclables
- §20-212. Other Means of Disposal
- §20-213. Noninterference with Existing Contracts
- §20-214. Construction

PART 3

COUNTY-WIDE SOLID WASTE PLAN

- §20-301. Definitions
- §20-302. Prohibitions
- §20-303. County/Authority Operations and Charges
- §20-304. Operations by Licensed Collectors
- §20-305. Disposal at Designated Site
- §20-306. Private Dumps, Transfer Stations and Landfills Prohibited
- §20-307. Penalties
- §20-308. Abatement of Nuisance
- §20-309. Regulations
- §20-310. Amendments, Contract
- §20-311. Joint Cooperation Agreement
- §20-312. Adoption of Solid Waste Management Plan

PART 1

REFUSE COLLECTION AND DISPOSAL

§20-101. Short Title.

This Part shall be known as the “Collingdale Borough Refuse Collection and Disposal Ordinance.”

(Ord. 513, 3/5/1980, §1)

§20-102. Definitions.

The following words, when used in this Part, shall have the meanings ascribed to them in this section, except in those instances, where the context clearly indicates otherwise:

BULK TRASH - all waste materials not considered “Rubbish” under this Part, including but not limited to, refrigerators, stoves, freezers, building materials and items in excess of 50 pounds.

GARBAGE - the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food-processing waste from canneries, packing plants or similar industries, nor large quantities of condemned food products.

ONE REFUSE CAN - 30 gallons in volume or 50 pounds in weight.

ONE UNIT OR ONE UNIT OF REFUSE - two refuse cans (60 gallons in volume or 100 pounds in weight) in a single collection day. Any part of a unit shall be considered a full unit.

PERSON - a natural person, firm, association, corporation or housing authority.

REFUSE - garbage and rubbish as herein defined.

RUBBISH - all waste materials except building construction, or reconstruction, street refuse, industrial refuse, dead animals, machinery or vehicles or parts thereof, or such other waste materials as are not commonly produced in homes, stores and institutions.

(Ord. 513, 3/5/1980, §2)

SOLID WASTE

§20-103. Classification of Properties.

For the purposes of this Part properties shall be divided into four classes.

RESIDENTIAL - a property designed for and occupied exclusively as a home or residence.

MULTIPLE DWELLINGS - a property used as a dwelling house for several families, each family separate and apart from the other.

COMMERCIAL - a property used for the conduct of business or service.

INDUSTRIAL - a property used for assembling, fabricating, finishing, manufacturing, or processing operations.

(Ord. 513, 3/5/1980, §3)

§20-104. Administration.

1. Multiple dwellings may place for collection by the Borough, one unit of refuse for the first dwelling, plus one unit of refuse for each additional dwelling.
2. **Commercial** - by reason of the great amount of refuse, being accumulated by commercial establishments, the collection of which would unduly burden the facilities of the Borough, all commercial establishments shall be limited to 10 units of refuse.
 - A. The number of refuse units for commercial establishments shall be determined by the Highway and Sanitation Committee of Council.
 - B. The number of refuse units shall be determined by the following formula:
 - (1) An average shall be taken for a one month period to determine the amount of refuse for that period. This shall be divided by the number of collection days in that month to establish the units of refuse. The decision of the Highway and Sanitation Committee may be appealed to the Borough Council.
3. **Industrial** - shall dispose of their own refuse.
4. All refuse shall be kept in water-tight vehicles provided with tight covers, and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.
5. It shall be unlawful for any person to dispose of any refuse within the Borough of Collingdale.

(Ord. 513, 3/5/1980, §4)

§20-105. Storage of Refuse.

1. No person shall place any refuse in any street or highway, alley or other public place, nor upon any private property whether owned by such person or not, within the Borough, except that the same be in receptacles for collection. No person shall throw or deposit any refuse in any stream or body of water.
2. Any unauthorized accumulation of refuse is hereby deemed to be a nuisance and is hereby prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this Part shall be deemed a violation of the provisions hereof.
3. It shall be unlawful for any person, other than the occupants of the premises upon which the refuse receptacles are stored, or the collector, to remove covers or any of the contents of refuse receptacles.

(Ord. 513, 3/5/1980, §5)

§20-106. Collection Practices.

1. Refuse shall be collected at least twice a week. Commercial and Industrial establishments which are required to dispose of their refuse, must dispose of the same at least twice a week, and where necessary to protect the public health and safety, the Board of Health of the Borough may require that more frequent collections be made.
2. It is the intent of this Part that the reasonable accumulation of Residential and Multiple Dwelling refuse for the collection period will be collected for standard charges.
3. It is the intent of this Part that commercial establishments with units or refuse in excess of those set forth in §20-104(3), shall privately contract for and have their accumulation of refuse collected at reasonable times, so as to protect the public health and safety.
4. **Contagious Disease Refuse** - the removal of wearing apparel, bedding or other refuse from homes or any other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collections.
5. Highly inflammable, explosive and poisonous materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Chairman of the Highway and Sanitation Committee at the expense of the owner or possessor thereof.

SOLID WASTE

6. Refuse for collection shall be placed at ground level, and not more than 3 feet distant from the side of the street or highway, or alley from which collection is made.

(*Ord. 513, 3/5/1980, §6*)

§20-107. Fees.

1. Subject to the limitations set forth in this Part the following annual fees shall be charged for the collection of refuse by the Borough of Collingdale.
2. **Residential** - \$100.00. [*Ord. 580*]
3. **Multiple dwellings:** For each dwelling unit - \$100.00. [*Ord. 597*]
4. **Commercial** - \$325 per refuse unit, not to exceed 15 refuse units. [*Ord. 602*]
5. **Commercial plus a residence** - \$325 per refuse unit, not to exceed 15 refuse units. For each dwelling unit - \$100. [*Ord. 602*]
6. **Commercial plus multiple dwellings:** \$325 per refuse unit, not to exceed 15 refuse units. For each dwelling unit - \$100. [*Ord. 602*]
7. **Bulk Trash** - \$10.00 per refuse unit, except when dumping fees charged to the Borough are in excess of \$10.00 at which time prevailing rates will apply.
8. All accounts shall be due and payable by the owner of the real estate and if the same be unpaid within 60 days from the time of delivery of said bills, said account shall be considered delinquent and service of collection of said refuse shall be stopped without further notice and a 5% penalty shall be added to the amount then due for payment together with interest thereon at the rate of 10% of the date of the bill. The Borough's Secretary and/or Manager shall certify to the person in charge of directing the collections, that service on such delinquent accounts shall cease. Service shall be resumed thereafter, only on payment of the annual collection charge, unless the Borough Council specifically directs otherwise. The stoppage of service hereinbefore authorized for non-payment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by an action in assumpsit, or at the election of the Borough, in any other manner provided by law.

(*Ord. 513, 3/5/1980, §7; as amended by Ord. 518, 3/2/1981; by Ord. 529, 6/7/1982; by Ord. 535, 2/7/1983; by Ord. 550, 2/4/1985; by Ord. 559, 12/18/1985; by Ord. 564, 2/2/1987; by Ord. 570, 12/21/1987; by Ord. 575, 1/9/1989, §1; by Ord. 577, 12/18/1989, §1; by Ord. 580, 12/17/1990, §1; by Ord. 591, 1/4/1993, §1; by Ord. 597, 12/16/1993, §1; and by Ord. 602, 12/5/1994, §1*)

§20-108. Exception to Fees.

1. **Residential** - property owners living on the premises, who are 62 years of age or older, with an income of \$4,200 or less, will be exempted from the fee upon certification of their qualifications to the Borough.
2. Multiple dwellings and commercial properties shall be exempted from the service fee, upon showing proof of private collection.

(Ord. 513, 3/5/1980, §8)

§20-109. Deposit and Collection of Trash, Rubbish and Other Waste Materials.

1. That any person, firm or corporation setting out or causing to be set out any garbage or rubbish, including but not limited to, any paper, glass, metal, wood, ashes, tin cans and/or any other type of refuse, shall place the same in such containers as more specifically described herein, so as to prevent any part thereof from being blown or scattered about.
2. That it is and shall be unlawful to throw or cause to be thrown upon or on the land of another, any garbage or any rubbish, including, but not limited to, any paper, glass, metal, wood, ashes, tin cans and/or any other type or refuse.
3. That no person, firm or corporation shall place upon the cartway or footway of any highway or in any public driveway, any garbage or rubbish of any type or receptacles containing the same, to be collected by the Borough or any other collector authorized by the Borough, or at the side or rear of any property other than that occupied by the person, firm or corporation placing out such material for collection unless the consent of the owner or occupant of such property shall be first obtained.
4. **Presentation of Refuse for Collection -**
 - A. That all rubbish and garbage may be combined, but all rubbish of any type and all garbage shall be placed in metal or plastic water-proof containers of a size of not more than 30 gallons capacity.
 - B. That any newspapers, cardboard or loose wood placed for collection be tied in bundles.
 - C. That tree trimmings, branches and limbs must be tied securely together and must not be of a length of more than 4 feet, nor of a diameter of more than 4 feet.
 - D. That all garbage placed in a receptacle for collection must, prior to deposit in said receptacle, be wrapped and packaged in paper in a manner secure enough to prevent spillage from the paper.

SOLID WASTE

- E. That no container or bundle as described herein shall weigh in excess of 50 pounds.
- 5. No person, firm or corporation shall place any garbage, rubbish or other refuse for collection prior to 6 p.m. of the day immediately preceding same collection and empty containers must be removed the same day of collection. All containers must be returned to the rear of the house, no containers may be stored beyond the front building line. [*Ord. 638*]
- 6. **Penalties.** Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(*Ord. 513, 3/5/1980, §9; as amended by Ord. 568, 10/5/1987; and by Ord. 638, -/2003*)

PART 2*

WASTE RECYCLING

§20-201. Purpose.

The Borough of Collingdale hereby establishes a program or the reduction of the amount of solid waste and conservation of recyclable materials by the separation and collection for recycling of newsprint, aluminum, steel and bimetallic cans, high grade office paper, corrugated paper and leaf waste from the residential, commercial and institutional establishments in the Borough of Collingdale.

(Ord. 586, 10/7/1991, §401)

§20-202. Statutory Authority for Part.

This Part is adopted pursuant to the Municipal Waste Planning, Recycling and Waste Reduction Act, Act No. 101 of July 28, 1988, P.L. 556, 53 P.S. §4000.101 *et seq.*

(Ord. 586, 10/7/1991, §402)

§20-203. Definitions.

As used in the Part, the following definitions shall apply:

ALUMINUM - the light in weight ductile and malleable metallic substance or element commonly known as aluminum and shall include all aluminum food and beverage cans. This description does not include aluminum foil, aluminum trays, aluminum plates and miscellaneous aluminum products.

BIMETALLIC CANS - cans containing two or more metallic materials.

CANS - containers comprised of aluminum, tin, steel or a combination thereof, which formerly contained only nonaerosol edible substances.

- A. This includes by way of illustration and not of limitation: cans formerly containing such substances as vegetables, meats, fruits, juices or other similar food storage containers constructed of materials listed in the definitions “aluminum,” “bimetallic cans” and “steel cans,” herein.
- B. This does not include: aerosol cans, cans which contained hazardous cleaning substances, automotive supply cans, such as transmission fluids, motor oils, etc., paint cans and other similar containers.

*Ord. 586 read “enacted as Part 4 of Chapter 20 of the Code.”

SOLID WASTE

CORRUGATED PAPER - all corrugated or other cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, or wax coated or soiled cardboard.

COUNTY - the County of Delaware, Commonwealth of Pennsylvania.

COUNTY PLAN - the district solid waste management plan for Delaware County as approved by the Pennsylvania Department of Environmental Protection.

GENERAL REFUSE - any garbage, refuse, industrial lunchroom or office waste and other material, including solid or semi-solid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of "municipal solid waste" as set forth in the Pennsylvania Solid Waste Management Act of 1980, as amended.

HIGH GRADE OFFICE PAPER - paper items generated by offices and/or commercial entities and includes white computer paper, white copier paper, white typing paper, white letterhead paper, white note pad paper and other similar office paper. This does not include wax paper, plastic or foil coated paper, envelopes with glassine windows, carbon paper, blueprint paper, food contaminated paper, soiled paper, magazines, catalogs, junk mail, telephone books and cardboard.

LEAF WASTE - leaves and shall not include grass clippings.

MUNICIPAL RECYCLING PLAN - the recycling plan developed by and for this Borough in accordance with said Act No. 101 of 1988. The Municipal Recycling Plan sets forth (a) the materials to be recycled within the Borough; (b) the method of collection and disposition of said recyclables; (c) the recovery rate goals; and, (d) the publicity and education measures to be used to promote recycling.

MUNICIPALITY - the Borough of Collingdale located within the County of Delaware, Commonwealth of Pennsylvania.

NEWSPRINT - paper of the type commonly distributed at regular intervals, usually daily or weekly, having printed thereon news, opinions, advertisements, and other matters of public interest. This does not include magazines, periodicals or phone books.

PERSON - any individual, firm, partnership, corporation, association, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency, or other local entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, penalty or imprisonment of any other combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PUBLIC AWARENESS PROGRAM - a program developed and provided by the Borough to inform and encourage residents to use the recycling collection services.

RECYCLABLE MATERIALS - all newsprint, aluminum, steel and bimetallic cans, high grade office paper, corrugated paper and leaf waste as defined herein and/or other such material as may be defined by the Borough.

RECYCLING - any process by which material, which would otherwise become solid waste, is collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING COLLECTION SERVICES - those services to be performed by a contractor as follows: (a) the collection of recyclable materials from locations within the Borough; (b) processing of recyclable materials as applicable; and, (c) marketing of recyclable materials.

RECYCLING CONTAINER - the container provided by the Borough for the express purpose of storing recyclable materials for collection by the Borough.

RECYCLING DROP-OFF - any facility designed and operated solely for the receiving and storing of source separated recyclable materials.

RESIDENT - any human being residing within the Borough on a temporary or permanent basis, but excluding persons residing in hotels or motels.

SOLID WASTE - waste including, but not limited to, municipal, commercial, institutional or industrial waste.

SOURCE SEPARATED - to separate recyclable materials from the solid waste stream at the point of waste generation.

STEEL CANS - the ferrous metal food or beverages containers commonly known as "tin cans."

(Ord. 586, 10/7/1991, §403)

§20-204. Establishment of Curbside Program.

1. The Borough shall designate a schedule and plan for curbside collection of newsprint, aluminum, steel and bimetallic cans from all residents of the Borough and from all other persons, including commercial or institutional establishments, whose solid waste is collected by or on behalf of the Borough.
2. All persons, other than residents, whose solid waste is collected by or on behalf of the Borough shall make separate arrangements in accordance with §20-206 of this Part for the collection of the following recyclable materials that are generated at commercial, municipal, or institutional establishments and from community activities:
 - A. High grade office paper;
 - B. Corrugated paper;

SOLID WASTE

- C. Leaf waste; and;
- D. Other materials deemed appropriate by the Borough.

The Borough will not collect the aforementioned recyclable materials as part of the curbside program established under §20-204.

- 3. Collections of recyclable materials pursuant to this Section shall be made in accordance with a schedule of recycling to be publicly advertised by the Borough.
- 4. All residents of the Borough within the area served by the curb-side program established pursuant to this Section shall source separate all designated recyclables and place them at the curb or other site as may be designated by the Borough in the manner designated by §20-205 of this Part and on the date specified for collection by the schedule published by the Borough.
- 5. All persons whose solid waste is not collected by or on behalf of the Borough shall recycle materials in accordance with §20-206 of this Part and shall not participate in the curbside collection program.
- 6. The recyclables designated* for the curbside collection program shall consist of the following materials:
 - A. Newsprint;
 - B. Aluminum cans;
 - C. Steel and bimetallic cans.

(*Ord. 586, 10/7/1991, §404*)

§20-205. Requirements for Source Separation and Collection

All recyclables placed at the curb or other designated site by residents for collection pursuant to the curbside program established pursuant to §20-204 of this Part shall be prepared for collection in accordance with the following:

- A. All newsprint shall be placed in paper bags (not in plastic bags) or tied in bundles not to exceed 35 pounds in weight nor to exceed 1 foot in thickness.
- B. Cans shall be crushed, if possible.
- C. Aluminum, steel and bimetallic cans shall be placed in recycling containers to be provided by the Borough. Plastic garbage bags shall not be utilized as containers for cans.

**Ord. 586* read “designed.”

- D. No material shall be placed at the curb or other designated site earlier than sundown of the evening of the day preceding a scheduled collection day. Material must be placed at the curb or other designated site by 7:00 A.M. on the scheduled collection day. The bundled newsprint and containers of cans shall be placed at the curb or other designated site for collection and clearly separated from containers of solid waste and general refuse.

(Ord. 586, 10/7/1991, §405)

§20-206. Mandatory Commercial, Municipal and Institutional Establishments Source Separation Program.

1. All persons within this Borough who are not residents and who are not served by the curbside program established pursuant to §20-204 of this Part shall source separate and arrange for the collection of all designated recyclables by a date set by the Borough, which date the Borough shall publish in a newspaper of general circulation within the Borough, or which date the Borough shall notify persons by letter.
2. Designated recyclables for the mandatory commercial, municipal and institutional source separation program shall consist of the following recyclable materials that are generated at commercial, municipal, or institutional establishments and from community activities:
 - A. High grade office paper.
 - B. Aluminum.
 - C. Corrugated paper.
 - D. Leaf waste.
 - E. Other materials deemed appropriate by the Borough.
3. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who generated the recyclables (“generator”) or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangements may include, without limitation, direct marketing of recyclables, delivery to a drop-off, contracts with solid waste collector haulers for separate collection of any or all designated recyclables, and contracts with other persons for separate collection of any or all designated recyclables.
4. Any commercial or institutional establishment shall be exempted from the requirements of this Part if a recycling program already exists within the establishment that is consistent with Act No. 101 of 1988, and provided that they submit to the Borough annual reports of the total tons of material recycled.

(Ord. 586, 10/7/1991, §406)

SOLID WASTE

§20-207. Mandatory Source Separation of Leaves.

1. No person shall dispose of leaves, arrange for the disposal of leaves, or cause leaves to be disposed at any solid waste facility other than a composting facility.
2. All persons who gather leaves for disposal as waste shall source separate all leaves and place them for collection at the times and in the manner heretofore or hereafter prescribed by the Borough.
3. 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 landscaping purposes.

(Ord. 586, 10/7/1991, §407)

§20-208. Responsibilities of Owners and Landlords of Multifamily Rental Housing Properties.

An owner, landlord or agent of an owner or landlord of multifamily rental housing properties with more than four units whose solid waste is collected by the Borough must comply with its responsibilities under this Part by establishing a collection system for recyclable materials at each property. The Borough will provide suitable containers for collecting and sorting materials and the owner or landlord or agent shall provide written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Section shall not be liable for the noncompliance of occupants of their buildings.

(Ord. 586, 10/7/1991, §408)

§20-209. Notice and Public Education.

The Borough shall establish and sustain a comprehensive public information and education program explaining the features and requirements of the program. The Borough shall at a minimum give at least 30 days public notice prior to the initiation of the recycling program, and provide public notice every 6 months thereafter to all persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this Part.

(Ord. 586, 10/7/1991, §409)

§20-210. Unlawful Activities.

1. It shall be unlawful for:
 - A. Any person other than the Borough or a person authorized by the Borough to take possession of any designated recyclable which has been placed at the

curb or other designated site for collection or within a recycling drop-off pursuant to this Part.

- B. Any person to violate or to cause or to assist in the violation of any provision of this Part.
 - C. Any person to place or to cause to be placed any material other than a designated recyclable in a recycling container or in or near a recycling drop-off.
 - D. Any person to hinder, to obstruct, prevent or to interfere with the Borough, or its personnel, or its agent in the performance of any duty under this Part or in the enforcement of this Part.
2. Any person, firm or corporation who violates or neglects to comply with any provision of this Part or any regulation promulgated pursuant hereto, shall, upon conviction thereof, be punishable by a fine not to exceed \$300 or imprisoned for a term not to exceed 90 days.
3. Each continuing day of violation of this Part shall constitute a separate offense.

(Ord. 586, 10/7/1991, §410)

§20-211. Noncollection of Solid Waste Contaminated by Designated Recyclables.

The Borough or any other person collecting solid waste generated within the Borough may refuse to collect solid waste and general refuse from any person who has clearly failed to source separate recyclables designated under an applicable Section of this Part.

(Ord. 586, 10/7/1991, §411)

§20-212. Other Means of Disposal.

Notwithstanding anything herein to the contrary, any resident of the Borough may donate or sell any recyclable to any other person, whether operating for a profit or not for profit; provided, however, that the person receiving the recyclable shall not under any circumstances collect the donated or sold material from the curb or roadside or from a recycling drop-off without prior written permission from the Borough for such collection.

(Ord. 586, 10/7/1991, §412)

SOLID WASTE

§20-213. Noninterference with Existing Contracts.

1. Nothing contained in this Part shall be constructed to interfere with or in any way modify the provision of any existing contract which is in force in the Borough on the effective date of this Part.
2. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Part, unless such renewal or such contract shall conform to the requirements of this Part.

(Ord. 586, 10/7/1991, §413)

§20-214. Construction.

The terms and provisions of this Part are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof.

(Ord. 586, 10/7/1991, §414)

PART 3

COUNTY-WIDE SOLID WASTE PLAN

§20-301. Definitions.

1. The following terms shall have the following meanings in this Part:

COLLECTOR - any person collecting or transporting municipal solid waste for owners or occupants of property in the municipality, including the municipality itself if it undertakes the collection of municipal solid wastes directly, and any business or institution within the municipality which generates municipal solid waste and uses its own employees and equipment for the collection and transport of the waste.

CONTRACTOR - one or more contractors with whom the County or Delaware County Solid Waste Authority (hereinafter referred/ to as “Authority”) contracts for construction and operation of the proposed resource recovery plant or plants, or other solid waste facilities.

MUNICIPALITY - the Borough of Collingdale.

MUNICIPAL SOLID WASTE - any garbage, refuse, industrial lunchroom or office waste, and other material including solid or semisolid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of “Municipal Solid Waste” as set forth in the Act and which the County, Authority or Contractor by its ordinance or regulations is willing to accept at the plant, but excluding; (i) any liquid waste or sludge; (ii) all wastes which are defined by existing or future Federal or State law or regulations as hazardous waste or industrial residual waste; (iii) any waste which may be marketable and which is intentionally segregated for purposes of recycling; and (iv) materials specifically excluded under applicable County ordinances.

PERSON- any individual, partnership, association, corporation or governmental entity, with the exception of the County, Authority or designated Contractor.

PLANT - the energy and/or material recovery facility or facilities, transfer station or solid waste plants owned by the County, Authority or the Contractor, including all associated property and equipment.

SOLID WASTE FACILITY - any site owned and operated by the County, the Authority or its designated contractor for the purpose of transfer, processing, or disposal of municipal solid waste, including landfills, resource recovery plants and transfer stations.

2. Certain terms used herein are also defined in the recitals hereto.

(Ord. 565, 8/3/1987, §1)

SOLID WASTE

§20-302. Prohibitions.

It is hereby declared to be unlawful and a public nuisance for any person to accumulate upon any property in this municipality, any municipal solid waste or to dispose of it except in accordance with this Part, and other applicable laws, ordinance or regulations.

(Ord. 565, 8/3/1987, §2)

§20-303. County/Authority Operations and Charges.

The municipality has been advised by the County that the Solid Waste Plan proposes to provide for a plant or plants which will be operated efficiently and economically by the Contractor and/or by the County and in accordance with all applicable laws and regulations, and also that the Contractor and/or the County will impose reasonable charges, which will be uniform among all classes of users of the plant or plants.

(Ord. 565, 8/3/1987, §3)

§20-304. Operations by Licensed Collectors.

Except as it pertains to Municipal Solid Waste collected directly by this municipality, all collectors of municipal solid wastes generated within the municipality shall be licensed by the municipality and shall be responsible for collecting Municipal Solid Waste from properties in the municipality pursuant to a contract between them and the municipality and/or contracts between them and the owners or occupants of properties.

(Ord. 565, 8/3/1987, §4)

§20-305. Disposal at Designated Site.

All Collectors shall deliver and dispose all Municipal Solid Waste collected within the municipality at the Solid Waste Plant facilities designated by the County subject to such reasonable regulations for the operation thereof as may be established by the County and/or Contractor. Delivery and disposal at any other place shall be a violation of this Part and cause for revocation of the Collector's license, except in special circumstances approved in advance by the municipality and the County and/or Contractor. All Collectors shall comply in their operations with the regulations of this municipality and with all applicable laws, ordinances and regulations pertaining to the collection and transportation of Municipal Solid Wastes.

(Ord. 565, 8/3/1987, §5)

§20-306. Private Dumps, Transfer Stations and Landfills Prohibited.

No person shall use or permit to be used any property owned or occupied by him within the municipality as a public or private dump, transfer station or landfill for Municipal

Solid Waste, whether generated within the municipality or elsewhere without the express written approval of the municipality.

(Ord. 565, 8/3/1987, §6)

§20-307. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, in a summary proceeding before a district judge, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or shall be committed to the County jail for a period not exceeding ninety (90) days. Each day's continuance of any other violation of this Part, as well as each truckload of illegally delivered trash, shall constitute a separate offense.

(Ord. 565, 8/3/1987, §7; as amended by Ord. 568, 10/5/1987)

§20-308. Abatement of Nuisance.

In addition to the remedies provided in §20-307 herein, any continued violation of this Part or other applicable law which shall constitute a nuisance in fact, or which in the opinion of the governing body of this municipality shall constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(Ord. 565, 8/3/1987, §8)

§20-309. Regulations.

The collection of Municipal Solid Waste in the municipality and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the governing body of the municipality, including, but without limitation, regulations as to the form of license application, the amount of fee to be charged for said license, and the terms of licenses and license issuance procedures; provided however, that no such rules and regulations shall be contrary to the provisions of this Part, the County Solid Waste Plan, or applicable law.

(Ord. 565, 8/3/1987, §9)

§20-310. Amendments, Contractor.

The municipality reserves the right to amend this Part or repeal it at any time; provided that the requirement for use of the designated Solid Waste Facility for disposal of Municipal Solid Waste from the municipality shall not be amended or repealed without the prior express written approval of the County during the term of the contract between the County (or Authority) and Contractor providing for the construction and operation of the plant which contract shall have a term of twenty-five (25) years. For the purposes of securing the Contractor's financing, such requirement shall be deemed to be a contract between the County, the Contractor, and the

SOLID WASTE

municipality, which the municipality (subject to the terms of the Joint Cooperation Agreement set forth below) agrees to enforce so that the Municipal Solid Waste from the municipality will be available to provide a source of energy for the plant. If the municipality is not now a Collector but in the future it becomes a Collector it agrees to deliver all Municipal Solid Waste so collected to the plant.

(Ord. 565, 8/3/1987, §10)

§20-311. Joint Cooperation Agreement.

1. Municipality agrees to deliver or cause to be delivered during the term of this Agreement all Municipal Solid Waste, as defined herein, generated within the Municipality for disposal at a facility designated by the County.
2. County agrees to accept for disposal all such Municipal Solid Waste described in subsection (1) above upon completion and commencement of operation of the Plant in accordance with a contract, containing terms satisfactory to the County, with the Contractor providing for construction and operation of the Plant.
3. The term of this Agreement shall be for a period of 25 years, and said term shall commence on the date when the County advises the Municipality that the Plant is operational. The Municipality at its option may terminate this Agreement with 30 days' written notice to the County in the event that the Municipality will incur substantial costs over and above the costs generally accepted by the other municipalities in delivering Municipal Solid Waste to the County during the term of this Agreement, provided the Municipality has first obtained final approval from the Department of Environmental Protection for their own Plan under the Act, or an approval from the Department for a modification that brings the municipality under another Plan that has already obtained final approval. It is understood, however, that (upon any such termination of this Agreement by the Municipality) the County, the Authority, and/or the County's Contractor shall be relieved of any responsibility to accept and dispose of Municipal Solid Waste generated within the Municipality. It is further understood that any such termination of this Agreement by the Municipality shall constitute a repeal, whether express or implied, of §20-312 of this Part.
4. The County shall hold harmless and defend the Municipality from any suit, claim or action challenging the legality of this Part against the Municipality. In the event that any such suit, claim or action is brought against the Municipality, the Municipality shall authorize the County, through its designated legal counsel, to defend against the same, and the Municipality shall cooperate with the County in said defense and shall give the County Solicitor notice of any such suit, claim or action within 5 days of the Municipality's receiving notice thereof.

(Ord. 565, 8/3/1987, §11)

§20-312. Adoption of Solid Waste Management Plan.

1. DEP has recommended that the requirements of the Solid Waste Management Act can best be accomplished on a County-wide basis.
2. The Municipality, by formal resolution dated 1986, authorized the County to prepare the Solid Waste Management Plan on the Municipality's behalf.
3. The County, through the staff of its Public Works Department, its Planning Commission, and Charles M. Harris and Associates, Inc., Consulting Engineers, prepared a 10-year plan for Solid Waste Management.
4. The appropriate municipal officials of this Municipality have reviewed the findings and recommendations of the Plan as it affects this Municipality, [and] have found the plan acceptable, and have recommended that the Plan be adopted.
5. The Municipality, accordingly, hereby accepts and adopts the Solid Waste Management Study prepared by the County as the 10-year Plan for Solid Waste Management required by the Act.
6. The County is hereby authorized to submit the Plan to DEP for the final approval on behalf of the Municipality.

(Ord. 565, 8/3/1987, §12)

