

## ORDINANCE NO. 1632

### **AN ORDINANCE OF THE TOWN OF GREENVILLE, MERCER COUNTY, PENNSYLVANIA, REPEALING ORDINANCE 1615 AND ADOPTING ORDINANCE 1632 PROVIDING FOR COLLECTION OF MUNICIPAL WASTE WITHIN THE DOWNTOWN BY CONTRACTED HAULER, REQUIRING MANDATORY RESIDENTIAL AND NON-RESIDENTIAL USE OF THE CONTRACTED HAULER AND ESTABLISHING RULES AND FEES FOR THE MUNICIPAL WASTES SERVICE.**

**BE IT ENACTED AND ORDAINED**, by the Council of the Town of Greenville, Mercer County, Pennsylvania; it is hereby enacted and ordained by the authority of the same as follows:

#### **ARTICLE 1. Short title.**

This Article shall be known and referred to as the "Municipal Waste Ordinance."

#### **ARTICLE 2. Definitions and word usage.**

- A. The following words and phrases as used in this Article shall have the meaning ascribed herein unless the context indicates a different meaning:

ACT or ACT 97 - The Pennsylvania Municipal Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980). EN(1)

ACT 101- The Pennsylvania "Municipal Waste Planning, Recycling, and Waste Reduction Act" of July 1988.

**AGRICULTURAL WASTE** - Poultry and livestock manure, or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals, and their products, provided that such waste is not hazardous. The term includes the residual materials generated in producing, harvesting, and marketing all agronomic, horticultural, silvicultural, and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.

**BULKY WASTE** - Large items of municipal waste, including but not limited to large auto parts, trees, branches, or stumps, requiring special handling due to their size, shape, or weight.

**CONSTRUCTION AND DEMOLITION WASTE** - All municipal and residual waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair, and demolition operations on houses, Non-Residential buildings, and other structures and pavements.

**DEPARTMENT** - The Pennsylvania Department of Environmental Protection (DEP).

**DISPOSE or DISPOSAL** - The incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the municipal waste or a constituent of the municipal wastes enters the environment is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

**DOMESTIC WASTE or HOUSEHOLD WASTE** - Municipal waste comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

**HAULER or PRIVATE COLLECTOR** - Any person, firm, copartnership, association, or corporation who has been designated by the Town of Greenville or its designated representative to collect, transport, and dispose of refuse for a fee as herein prescribed.

**HAZARDOUS WASTE** - Any municipal waste or combination of municipal wastes, as defined in the Act, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**INDUSTRIAL ESTABLISHMENT** - Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

**INSTITUTIONAL ESTABLISHMENT** - Any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, day-care centers, schools, and universities.

**MUNICIPALITY** - The Town of Greenville, Mercer County, Pennsylvania.

**MUNICIPAL WASTE** - Any waste, including but not limited to municipal, residual, yard waste, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous material. Garbage, refuse, industrial lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous materials resulting from the operation of residential, municipal, Non-Residential, 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, Non-Residential or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.

**NON-RESIDENTIAL** - means any developed parcel not fitting the definition of Residential as defined herein. Non-Residential shall include, but not be limited to, attached single-family houses, multifamily houses, townhouses and condominiums, boarding houses, hotels and motels, churches, industrial properties, Non-Residential properties, manufactured home or mobile home parks sharing a common lot, Non-Residential and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals, and convalescent centers, office buildings, government properties, and mixed-use properties.

**PERSON** - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution, agency, or any other legal entity recognized by law as the subject of rights and duties. In any

provisions of this Article 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 to reduce the volume or bulk of municipal or residual waste or used to convert part or all of such waste materials for off-site reuse. Processing facilities include but are not limited to transfer facilities, composting facilities, and resource recovery facilities.

**RECYCLABLE MATERIAL**-Materials will be determined from time to time by resolution adopted by Council and may include but are not limited to items such as plastic, glass, metal bottles, cans, jugs and jars, newsprint, catalogs, phone books, magazines, cardboard, office paper, and junk mail.

**RESIDENTIAL** - means a developed parcel containing one structure which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and shall include single-family houses, single-family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. Developed parcels may be classified as "Residential" despite the presence of incidental structures associated with residential uses, such as garages, carports, or small storage buildings. "Residential" shall not include developed land containing: structures used primarily for nonresidential purposes; manufactured homes and mobile homes located within manufactured homes or mobile home parks; or other multiple-unit residential properties such as apartments, condominiums, and townhouses.

**RESIDUAL WASTE** - Any garbage, refuse, other discarded material, or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial mining and agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act. EN(3) Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued in accordance with the Clean Streams Law. EN(4)

**SCAVENGING** - The unauthorized and uncontrolled removal of material placed for collection or from a municipal waste processing or disposal facility.

**SEWAGE TREATMENT RESIDUES** - Any coarse screenings, grit and dewatered or air-dried sludge from sewage treatment plants and pumpings from septic tanks or septage, which are municipal waste and require proper disposal under Act 97.

**STORAGE** - The containment of any waste temporarily so as not to constitute disposal of such waste. It shall be presumed that the containment of any waste over one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**TRANSFER STATION** - Any supplemental transportation facility used as an adjunct to

municipal waste collection vehicles.

TRANSPORTATION - The off-site removal of any municipal waste at any time after generation.

YARD WASTE - Non-composted tree trimmings, leaves, branches, shrubs, grass clippings, and other products or by-products of vegetative growth.

- B. In this Article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

### **ARTICLE 3. Prohibited activities.**

- A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the municipality, any garbage, rubbish, bulky waste, or any other municipal or residual municipal waste, except by the provisions of this Article and any department rules and regulations.
- B. It shall be unlawful for any person to burn any municipal waste within the municipality except by the provisions of this ordinance and any DEPARTMENT rules and regulations adopted pursuant to Act 97.
- C. It shall be unlawful for any person to dispose of any municipal waste in the municipality except by the provisions of this Article and any DEPARTMENT rules and regulations adopted pursuant to Act 97.
- D. It shall be unlawful for any person to haul, transport, collect or remove municipal waste from public or private property within the municipality without complying with the Mercer County Municipal Waste Management Plan.
- E. It shall be unlawful for any person to scavenge any materials from any municipal waste stored or deposited for collection within the municipality.
- G. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed, or deposited any municipal waste in or upon any street, alley, sidewalk, body of water, public or private property within the municipality except as provided in this Article.
- H. All recyclable materials shall be sorted from the waste stream and placed in the proper containers. No recyclable materials shall be placed in the Trash sent to Landfills. All residential, non-residential, and institutional accounts shall comply.

### **ARTICLE 4. Standards for the storage of municipal waste.**

- A. The storage of all municipal waste shall be practiced to prevent the attraction, harborage, or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness, or public

nuisances.

- B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and place and store all waste materials therein.
- C. Any person storing municipal waste for collection shall comply with the following preparation standards:
  - (1) All municipal waste shall be drained of free liquids before being placed in storage containers.
  - (2) All cans, bottles, or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
  - (3) All municipal waste shall be bagged before placing in a container.
  - (4) Tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be no more than four feet in length.
  - (5) Newspapers, magazines, and cardboard shall be placed in approved containers or shall be tied securely into bundles.
  - (6) When specified by the municipality or its designated representative, special preparation and storage procedures may be required to facilitate the collection and recycling of certain waste materials.
- D. All municipal waste shall be stored in containers approved by the municipality or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:
  - (1) Reusable containers shall be constructed of durable, watertight, rust-and corrosion-resistant material, such as plastic, metal, or fiberglass, in such a manner as to be leak-proof, weatherproof, insect-proof, and rodent-proof.
  - (2) Reusable containers for individual residences shall have a tight-fitting cover, and suitable lifting handles to facilitate collection.
  - (3) Reusable containers for individual residences shall have a capacity of not less than 90 gallons nor more than 100 gallons and cannot weigh more than 40 pounds when full.
  - (4) Disposable plastic bags or sacks are acceptable containers. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top and shall be securely tied at the top for collection. All waste must be placed in plastic bags, even if contained in a can or cart.

E. Any person storing municipal waste for collection shall comply with the following storage standards:

- (1) Containers shall be kept tightly sealed or covered at all times. Municipal waste shall not protrude or extend above the top of the container.
- (2) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained, and disinfected as often as necessary to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
- (3) Containers shall be used and maintained to prevent public nuisances.
- (4) Containers shall be placed by the owner or customer at a collection point specified by the municipality or its designated representative. Containers shall not be placed at the curb, collection point, or side of the road before 7:00 p.m. on the day before the pickup.
- (5) Except pickup days, when the containers are placed out for collection, the containers shall be stored on the owner or customer premises out of sight from the front of the house that faces the roadway at all times.
- (6) Bulk waste items shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards, and fire hazards.

F. The storage of all municipal waste from multifamily residential units, non-residential, institutions, and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Article. The type, size, and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the municipality.

G. The burning of yard waste shall not be permitted, except that burning in open fire pits for recreational purposes, such as cookouts and camping, will be permitted by meeting the following standards:

- (1) No burning is permitted upon any public street, alley, or right-of-way.
- (2) Only dry, clean wood products are to be burned.
- (3) Only smokeless fuels, if any, are to be used to start the fire.
- (4) The pile of materials to be burned is no larger than 16 square feet by three feet high.
- (5) The fire shall be at least 30 feet from the nearest structure and 10 feet from the

closest inhabited area, roadway, property line, or utility.

**ARTICLE 5. Standards and regulations for collection.**

- A. The municipality shall provide for the collection of all municipal waste from individual residents, multifamily residential sources, all multifamily residential sources with more than three units, non-residential, institutional, and industrial establishments.
- B. Municipal waste shall be collected by the Town's designated contractor weekly on the same scheduled day. Bulky wastes shall be collected following prior arrangement with the municipality's collector and payment of any required special fees.
- C. All non-residential, institutional, public, industrial, and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Municipal waste collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The municipality reserves the right to require more frequent collection when deemed necessary.
- D. Residential collection schedules shall be published regularly by the municipality or its contracted hauler.
- E. All municipal waste collection activity shall be conducted from Monday through Saturday between the hours of 4:00 a.m. and 6:00 p.m. unless the municipality has granted prior approval of any exception. No collection, hauling, or transporting of municipal waste shall be permitted on Sundays.
- F. The contracted hauler under exclusive contract with the municipality shall comply with the following standards and regulations:
  - (1) All municipal waste collected in the Town of Greenville must be managed in compliance with the Mercer County Municipal Waste Management Plan.
  - (2) All municipal waste collected within the municipality shall be conveyed by the hauler to a transfer station, processing facility, or disposal site designated as approved by the Department or State Regulatory Agency.
  - (2) Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, as amended, and any department regulations adopted pursuant to Act 97 and Act 90 (Waste Transportation Safety Act).
  - (3) All collection vehicles conveying municipal waste and residential waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, the attraction of vectors, the creation of odors, and other nuisances.
  - (4) All municipal waste shall be collected and transported to prevent public health hazards, safety hazards, and nuisances.

- (5) All municipal waste collection vehicles shall be operated and maintained clean and sanitary.
  
- G. Participation is mandatory. Unless otherwise exempted under this chapter, every property owner of a developed, occupied, residential, and/or non-residential property SHALL maintain service through the municipally contracted hauler only. The billing for said service shall be in the property owner's name and paid for by the property owner.
  - (1) All bills for municipal waste service shall be rendered before the service period. All billing administration for municipal waste services is the contractor's responsibility, in accordance with the terms of the contract.
  
- H. The contractor may discontinue service for non-payment of service fees by an owner of the property in accordance with the terms of the contract.
  
- I. Property owners may require an exemption from the mandatory weekly collection of municipal waste. This must be requested in writing to the Town of Greenville will only be granted for property owners who do not use their residence on a continual basis and will only be granted for up to a maximum of 6 months in a calendar year. It is the sole discretion of the Towns to deny or grant these requests. The Town may revoke requests at any time with or without notice. The Town will notify the contracted hauler anytime an exemption is granted.

**ARTICLE 6. Collection and disposal charges.**

- A. Annual fee schedules (if appropriate) shall be published by the municipality based on any competitively bid residential collection service contract that the municipality may award.
  
- B. The contractor shall be responsible for paying to the Town of Greenville in not less than quarterly installments for the duration of this contract or any extensions an administrative fee in the amount of \$8750. This administrative fee is charged to the contractor to offset the Town's cost in assisting the contractor in administering the garbage collection contract. This quarterly payment shall be made to the Town Municipal Office, 125 Main Street, Greenville, PA 16125. The checks shall be made payable to the Town of Greenville. The first quarterly payment, in the amount of \$8750, shall be made no later than July 15. The second quarterly payment in the amount of \$8750 shall be made no later than October 15. The third quarterly payment in the amount of \$8750 shall be made no later than January 15. The fourth quarterly payment in the amount of \$8750 shall be made no later than April 15. This quarterly payment schedule shall be in effect for the remainder of any contract and any extensions.
  
- C. The municipality's contracted hauler shall be responsible for the collection of any fees for municipal waste collection and disposal services provided to residential, non-residential, institutional, or industrial sources within the municipality.
  
- D. Property owners shall be solely responsible for the timely payment of all fees



established by this ordinance and the municipal waste contract. It shall be the sole responsibility of the property owner to advise all tenants renting or leasing the property from them about these regulations.

**ARTICLE 7. Arbitration.**

- A. Whenever any disputes arise between a homeowner and the contractor, the contractor shall be responsible for meeting with Town officials and the aggrieved party before arbitration. If the dispute is not settled, either party may then proceed to arbitration.
- B. In the event of any dispute concerning any of the provisions of this chapter, the dispute shall be submitted to a board of arbitration, consisting of one person selected by the contractor, one person chosen by the Town, and one other person chosen by the first two appointees. Every effort will be made to make a prompt determination of the dispute.

**ARTICLE 8. Injunction powers.**

The municipality may petition the Court of Common Pleas of Mercer County, Pennsylvania, for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Article.

**ARTICLE 9. Violations and penalties.**

- A. Any person violating any of the provisions of this Article shall, upon conviction by a District Judge, be subject to a fine not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Mercer County Prison for a period of not more than 30 days. Every violator of the provisions of this Article shall be deemed guilty of a separate offense each and every day such a violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.
- B. Other Remedies
  - (1) Removal of accumulation of municipal waste. In addition to the foregoing penalty, the Town may require the owner or occupant of a property to remove any accumulation of municipal waste; and should said person fail to remove such municipal waste after five (5) days following written notice, the Town may cause the municipal waste to be collected and disposed of, with the cost for such action to be charged to the owner or occupant of the property.
  - (2) Separate offenses. Nothing contained in this Article shall affect, in any way, the provisions of this chapter regarding separate offenses for every day any violation occurs.

**ENACTED AND ORDAINED** into law by the Council of the Town of Greenville this 11th day of September, 2023.

Attest:

TOWN OF GREENVILLE

---

Jasson W. Urey  
Town Manager

---

Paul Hamill  
Mayor