

ARTICLE 935

Municipal Waste Collection and Disposal

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CROSS REFERENCES

Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.101)
Power to Regulate Municipal Solid Waste Collection, Removal and Disposal
See Third Class City Code § 2403(6) (53 P.S. § 37403 (6))
Pennsylvania Solid Waste Management Act 97-1980
(53 P.S. § 6018.101 et seq)
Optional Third Class City Charter Law, 901-1957 (53 P.S. § 41101 et seq)
Removal of rubbish from street - GEN OFF Art 721

935.01 DEFINITIONS

As used in this article:

- (a) "City" - The City of Bethlehem, located in the Counties of Northampton and Lehigh, Pennsylvania, a Pennsylvania Municipal Corporation.
- (b) "Commercial" - Means any group of more than four (4) dwelling units, and establishments engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

- (c) "Demolition Materials" - Solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:
- (1) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.
 - (2) Waste from land cleaning, grubbing and excavation, including trees, brush, stumps and vegetative material.
- (d) "Municipal Waste" - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under the Pennsylvania Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.
- (e) "Municipal Waste System" - The municipal waste management and collection system created by the City and every aspect thereof including, but not limited to, equipment, transfer stations contractual arrangements or other rights, owned, acquired, leased, placed under contract, contracted, operated, or assumed by the City or any agent, designee or contractor in connection with the Plan.

- (f) "PaDEP" - Pennsylvania Department of Environmental Protection.
- (g) "Person" - An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency including, but not limited to, the Department of General Services and the State Public School Building Authority or an other legal entity which is recognized by law as the subject of rights and duties. In the provisions of this article pertaining to a fine or a penalty, the term includes the officers and directors of a corporation or other legal entity having officers and directors.
- (h) "Plan" - The municipal waste management plan for the City submitted by the City for approval by PaDEP.
- (i) "Portable Boxes" - are containers which are placed by a hauler for the purpose of accumulating waste so as to be bulk transferred to a packer truck and where the box is returned to the original position before transporting the waste to a disposal site.
- (j) "Recycling" - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed or processed as municipal waste.
- (k) "Residential" - Shall be any dwelling in a group of four (4) dwelling units or less.
- (l) "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" "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 pursuant the "Clean Streams Law".

- (m) "Rolloff Containers" - are large containers which are placed by a hauler for the purpose of accumulating waste which is then picked up and rolled on a specially framed truck rack in its entirety and transported to and emptied at a disposal site.
- (n) "Source Separation" - The segregation and collection, prior to delivery to a point on entry into the municipal waste system, of materials for the sole purpose of recycling.

935.02 DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO REGULATE COLLECTION DISPOSAL.

The Director of Community and Economic Development or his designee shall formulate and regulate all aspects of the municipal waste collection, transportation and disposal from the point of origin to place of disposal. The Director shall formulate and promulgate all aspects for the minimum standards to be observed for the collection vehicles, transportation and disposal. Such standards shall be observed and in force by all collectors and haulers and shall be filed in the Office of the City Clerk and the Department of Community and Economic Development. Any violation of these ordinances shall be deemed a violation of this Article.

935.03 LICENSING OF HAULERS.

- (a) Any hauler of municipal waste and/or residual waste who collects such waste whether residential, industrial and/or commercial within the City limits shall have a license to conduct such business. The license shall be obtained from and issued by the Department of Community and Economic Development. Any hauler of residential or commercial recyclable commingled materials who collects such materials within the City limits shall have a license to conduct such business.

- (b) The license fee shall be issued and renewed annually. The fee for the license shall be \$500 each year.
- (c) The license application shall include a list of all vehicles the hauler intends to use to collect and transport waste within the City limits. Each listed vehicle must receive and exhibit in plain sight on the vehicle an inspection sticker issued by the City. The purpose of such inspection is to assure the City and its residents that the vehicle and its waste containers are environmentally safe. The fee for such inspection shall be \$25.00 per vehicle. The City shall be permitted to reinspect any licensed vehicle at any time.
 - (1) The inspection shall not infringe on or supersede the vehicle inspection performed as a requirement of the Motor Vehicle Codes of the Commonwealth of Pennsylvania; however, the inspection shall be primarily involved with environmental issues related to the municipal waste carrying containers and those mechanisms necessary to make the containers function.
 - (2) The inspection shall be performed at a site designated by the City.
 - (3) Should a vehicle fail the inspection, the hauler shall have not more than ten (10) days to repair the vehicle and pass a reinspection. Should such vehicle not pass reinspection within the ten (10) day period, the vehicle shall not be permitted to operate in the City until such vehicle passes reinspection.
 - (4) Should a hauler request inspection after the ten (10) day period and provide the city with sufficient evidence that the necessary repairs have been completed, the vehicle shall be permitted to be reinspected. Should the vehicle fail the reinspection, it shall not be permitted

to operate in the City until such vehicle passes reinspection. Each reinspection under this Article shall be subject to a \$25.00 fee.

- (d) Each hauler shall be required to provide the pricing structure charged the residents of the City at the time of annual licensing. Should any pricing change be made during the year by a hauler, it shall be reported within thirty (30) days to the Department of Community and Economic Development.
- (e) Any hauler having a license to collect municipal waste in the City or any vehicle of a licensed hauler shall be subject to having the license and/or vehicle permit revoked for violation of any of the rules, regulations or ordinances related to the collection, transportation and disposal of municipal solid waste.
- (f) Any hauler of municipal waste or any other kind of waste including residual and hazardous waste who transports such waste within the City limits in an environmentally unsafe manner shall be subject to the penalties of this Article.
- (g) Any industry or commercial business located in the City of Bethlehem using its own or leased vehicle(s) to haul or transport municipal waste or any other kind of waste from its facility to a landfill or any other disposal location shall be required to obtain a license in accordance with Article 935.03 (b) however the fee for the license shall be waived. The inspection and payment of the \$25.00 per vehicle fee shall be required in accordance to Article 935.03(c). All open vehicles, containers transported in open vehicles and/or all roll-off containers used in the transportation of municipal or residual waste or recyclable materials will be tightly tarped or covered at all times during said transportation.

935.04 TIME AND FREQUENCY OF COLLECTION.

- (a) Residential collection shall be on a six (6) day week basis (Monday through Saturday) and shall take place between the hours of 6:00 A.M. and 4:00 P.M. Collection shall be made at least once a week, but not more than twice per week.
- (b) Commercial collection may be on a seven (7) day a week basis and shall take place between the hours of 6:00 A.M. and 4:00 P.M., except that Sunday collection shall only take place between the hours of 8:00 A.M. and 12:00 Noon.

935.05 ROLLOFF CONTAINERS AND PORTABLE BOXES

- (a) All rolloff containers that are placed within the corporate limits of the City of Bethlehem for the purpose of collecting waste to be transported to a disposal site shall require a permit issued by the Department of Community and Economic Development. All such permits shall be issued annually on or before January 1st of each year by application. If a new container is acquired by a vendor, it shall have a permit before placement in the City. A temporary permit may be issued for short term placement not exceeding 15 days. No inspection is required for roll-off containers, however, the container may be subject to an inspection. Should it be observed that the container is found to be in poor condition, it shall have its permit revoked and it must be removed within 24 hours. The fee of annual rolloff permits shall be one dollar (\$1.00) per container and there shall be no fee for the temporary permit.
- (b) All portable boxes that are placed within the corporate limits of the City of Bethlehem for the purpose of collecting waste to be transferred to a packer truck for disposal at a disposal site shall require a permit issued by the Department of Community and Economic Development. All such permits shall be issued annually on or before January 1st each of each year by application. If a new container is placed at any location within the City, it shall have a permit before placement. A temporary permit may be issued for short term placement not exceeding

fifteen (15) days. No inspection is required for portable boxes however the box may be subject to inspection should it be observed that the box not be in good repair or be emitting liquids. If the box is found to be in poor condition, it shall have its permit revoked and the box be removed within 24 hours. The fee of all annual portable box permits shall be fifty cents (\$0.50) per box and there shall be no fee for the temporary permits.

- (c) All Rolloff containers and portable boxes shall be clearly marked with the vendor's name, who owns and/or provides the hauling service.

935.06 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

935.07 PENALTIES AND ENFORCEMENT.

- (a) Any person who violates any provision of this Article shall be subject to the following penalties:
 - (1) First Violation - A fine of \$200, or thirty days imprisonment, or both;
 - (2) Second Violation - A fine of \$500, or sixty days imprisonment, or both;
 - (3) Third and Subsequent Violations - A fine of \$1,000, or ninety days imprisonment, or both;
- (b) Each continuing day of violation of this Ordinance shall constitute a separate offense.
- (c) Loss of license may also occur as described in this Article 935.04(e).

- (d) The Director of Community and Economic Development is hereby granted the power to designate those having the power to enforce this Article and issue citations.

(Ord. 3302. Passed 12/5/89.)

(Ord. 3628. Passed 8/23/94.)

(Ord. 3986. Passed 12/21/99.)