

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

**PART 1**

**COLLECTION AND DISPOSAL OF SOLID WASTES**

- § 101. Short Title.
- § 102. Declaration of Policy.
- § 103. Definitions.
- § 104. Responsibility.
- § 105. Functions and Powers of the Solid Waste Coordinator.
- § 106. Duty of Owners and Occupiers of Property Not to Accumulate Solid Waste.
- § 107. Unlawful Solid Waste.
- § 108. Standards and Regulations for Storage Prior to Collection.
- § 109. Standards and Regulations.
- § 110. Regulations of Private Collector.
- § 111. Collection Vehicles, Equipment and Personnel.
- § 112. Standards and Regulations for Storage After Collection.
- § 113. Standards and Regulations for Disposal.
- § 114. Standards and Regulations for Processing Methods.
- § 115. Prohibited Activities.
- § 116. Regulations.
- § 117. Inspection Procedures.
- § 118. Insurance.
- § 119. Injunctive Powers.
- § 120. Penalties.

**PART 2**

**RECYCLING REGULATIONS**

- § 201. Short Title.
- § 202. Definitions.
- § 203. Establishment of Programs.
- § 204. Separation of Recyclables and Placement for Disposal.
- § 205. Collection by Unauthorized Person(s).
- § 206. Enforcement and Administration.
- § 207. Violation and Penalty.
- § 208. Franchise or License.

- § 209. **Alternative Collection of Recyclable Material.**
- § 210. **Recycling Regulations.**

**PART 1**  
**COLLECTION AND DISPOSAL OF SOLID WASTES**

**§ 101. Short Title. [Ord. 4, 1/31/1994]**

This Part will be known and may be cited as the "Solid Waste Management Ordinance of the City of St. Marys."

**§ 102. Declaration of Policy. [Ord. 4, 1/31/1994]**

It is hereby declared to be the purpose of this Part to coordinate and to regulate the storage, collection, transportation, processing and disposal of all solid waste materials as herein defined in order to protect the public safety, health, and welfare of the people of the City of St. Marys, hereinafter referred to as the "City."

**§ 103. Definitions. [Ord. 4, 1/31/1994]**

For the purpose of this Part, the following words and phrases shall have the meaning given herein:

**ABANDONED VEHICLES** — Motor vehicles and trailers that are discarded on public or private property. Any vehicle having an expired license which is not in a protective enclosure or in an area for stripping, processing or scrapping shall be considered abandoned. Vehicles with currently valid licenses shall be considered abandoned when they remain in or on the public thoroughfare in nonworkable condition for 48 hours or longer.

**ASHES** — The residue resulting from the burning of wood, coal, or other combustible material. This definition excludes ashes resulting from industrial processes.

**AUTHORIZED COLLECTOR** — A person, individual, partnership, or corporation or employer or agent thereof authorized by contract with the City to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this Part. In the event of City collection, this definition shall include the City Council and employees thereof.

**BULKY WASTE** — Large items of refuse including, but not limited to, appliances, large auto parts, furniture, and large trees and branches which require collection in other than conventional compactor refuse collection vehicles.

**CITY** — The City of St. Marys.

**COLLECTOR** — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection and/or transportation of solid waste.

**COMMERCIAL PROPERTIES** — All properties for industrial or commercial purposes; provided, that multiple dwelling residential buildings containing four or more dwelling units, for purposes of this Part, shall be treated as commercial properties.

**COMPOSTABLE MATERIAL** — Organic material that can be degraded by a controlled microbial process to produce a relatively nuisance free product of potential value as a soil conditioner.

**COMPOSTING** — A controlled microbial degradation of organic waste to produce a relatively nuisance free product of potential value as a soil conditioner.

**COMPOSTING FACILITY** — A facility for processing waste by composting.

**CONTAINER** — Can, mechanical bin, box, or disposable container used for storage of refuse.

**COORDINATOR** — The individual designated by the City Council to be responsible for solid waste management within the City.

**DEAD ANIMALS** — Those animals, not exceeding 1,000 pounds, that die naturally or are accidentally killed. Condemned animals or parts of animals from slaughter houses or similar places are not included in this term but are regarded as industrial refuse.

**DEPARTMENT** — The City agency designated to be responsible for solid waste management within the City.

**DETACHABLE CONTAINER or MECHANICAL BIN** — Any metal container which may be mechanically lifted and emptied into the collection vehicle.

**DISPOSAL SITE** — A site, location, tract of land, area or premises used or intended to be used for solid waste disposal.

**DUMP** — A site for the consolidation of waste from one or more sources which has little or no management.

**FARM PROPERTY** — A parcel or parcels of land devoted to agricultural; either to raising crops, livestock, poultry or pasture.

**GARBAGE (FOOD WASTE)** — Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals or human excrement.

**GOVERNING BODY** — City Council of the City of St. Marys.

**HAZARDOUS WASTE** — Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosive, toxic materials and medical wastes. For purposes of this Part, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.)

**INCINERATOR** — Any device used for the burning of solid waste where the factors of combustion, i.e., temperature, retention time, turbulence and combustion air, can adequately be controlled.

**OPERATOR** — Any person who manages any solid waste storage, transfer, processing or disposal operator.

**PERSON** — Any individual, firm, partnership, association, corporation, institution or other entity.

**PRIVATE COLLECTOR** — A collector of solid waste licensed by the City to provide collection services to residential, commercial or institutional properties on a private contract basis.

**RECYCLABLE MATERIALS** — Those materials specified by the City for separate collection in accordance with recycling regulations. Such materials may include, but need not be limited to, aluminum products, ferrous containers, bimetal containers, glass containers, newspapers, magazines and periodicals plastic containers and yard wastes.

**RECYCLING** — The separation, collection, processing, recovery, and sale or reuse of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste.

**REFUSE** — All solid wastes, except body wastes; and shall include, but is not limited to, garbage, ashes, bulky wastes, and rubbish; except that refuse shall specifically exclude hazardous waste.

**RESIDENTIAL PROPERTY** — Properties used as dwellings, including buildings having up to three dwelling units in one building. Multiple dwelling residential buildings containing four or more dwelling units, for purposes of this Part, shall be treated as commercial properties.

**RESIDUE** — Solid materials remaining after burning including, but not limited to, ashes, metals, glass, ceramics and unburned organic substances.

**RUBBISH** — Solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper, or plastic and non-combustible plant material, wood, or non-putrescible solid wastes).

**SALVAGE OPERATION** — Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material

including, but not limited to, automobiles, metals, chemicals, shipping containers or drums.

**SALVAGING** — The controlled removal of reusable materials at a salvage operation.

**SANITARY LANDFILL** — A Pennsylvania Department of Environmental Resources approved method of disposing of refuse on land without creating nuisances or hazards to the public health or safety. This is done by confining refuse to the smallest practical volume, and covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

**SCAVENGING** — Uncontrolled or unauthorized removal of solid waste materials.

**SOLID WASTE** — Garbage, refuse and other discarded solid materials including, but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities. Liquids, semi-solids, and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluent, dissolved materials, irrigation return flows, or other common water pollutants. In addition, it shall not include hazardous waste.

**SOLID WASTE MANAGEMENT** — The purposeful systematic control of the storage, collection, transportation, processing, and disposal of solid waste.

**TRANSFER STATION** — Fixed facility used for receiving refuse from collection trucks and placing it in large-volume, long-haul vehicles.

**YARD WASTE** — Prunings, grass clippings, weeds, leaves and general yard and garden wastes.

**§ 104. Responsibility. [Ord. 4, 1/31/1994]**

The Code Enforcement Officer shall be responsible for all aspects of solid waste management within the City and will serve as coordinator.

**§ 105. Functions and Powers of the Solid Waste Coordinator. [Ord. 4, 1/31/1994]**

The Coordinator shall be responsible for the preparation of all necessary plans for solid waste management and shall coordinate these plans with other local, County, State and Federal agencies. These plans shall control the collection, storage, transportation, processing and disposal of all solid waste materials. In accordance

with all pertinent statutes, rules and regulations of the Commonwealth of Pennsylvania, the Coordinator shall:

- A. Provide municipal solid waste collection, storage, transportation and disposal services, and/or approve and regulate the establishment, maintenance and operation of private solid waste collection, storage, transportation and disposal services.
- B. Aid and assist the Commonwealth in the application and enforcement of rules and regulations pertaining to solid waste management.
- C. Adopt, issue and enforce such local rules and regulations pursuant to § 118 of this Part as are necessary to implement and to carry out the intent of this Part.
- D. Assist in the review of permits required by the Commonwealth for siting and operation of transfer, processing and disposal facilities.
- E. Enforce this Part by issuing warning notices and initiating proceedings against violators of this Part and its appurtenant rules and regulations.

**§ 106. Duty of Owners and Occupiers of Property Not to Accumulate Solid Waste. [Ord. 4, 1/31/1994]**

- 1. No person shall permit any solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the City.
- 2. Owners and occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.
- 3. All solid waste accumulated on any residential property in the City shall be collected, conveyed and disposed of by the City or by an authorized collector under contract with the City or by a private collector and in accordance with the provisions of this Part, except that recyclable materials may be collected, conveyed and disposed of by property owners from their own property for the intended purpose of depositing such recyclables in recycling centers, providing they comply with the provisions of this Part pertaining to refuse containers and vehicles, and providing they remove their recyclables to a site approved by the City.
- 4. All solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the City. In such a case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the City, owners of nonresidential properties may collect, convey and dispose of privately

generated solid waste by their own containers and/or trucks, providing they comply with the provisions of this Part applicable thereto.

5. It shall be unlawful for any person to collect and dispose of any solid waste within the City except as provided by law.

**§ 107. Unlawful Solid Waste. [Ord. 4, 1/31/1994]**

1. It shall be unlawful to keep or allow in or about any dwelling or upon any land or other premises within the City solid waste of any kind which is obnoxious or offensive by reason of dust or odor, or which attracts insects and vermin, except in covered receptacles. The cover shall be tight and fly proof; and, it shall be unlawful to retain accumulation of any of said solid waste so as to constitute a menace to the health and safety.
2. No volatile liquids, explosives, radioactive materials, or containers which would explode upon contact with heat or fire shall be placed for collection, except small (retail-sold) spray cans.
3. No hazardous waste shall be stored or placed for collection on residential properties except for small quantities of such waste normally found in the household and available on a retail basis to the homeowner.

**§ 108. Standards and Regulations for Storage Prior to Collection. [Ord. 4, 1/31/1994]**

1. Preparation of Refuse. All garbage before being placed in refuse containers for collection shall have drained from it all free liquids and must be wrapped in paper and placed in a water-tight plastic bag.
2. All rubbish shall be drained of liquid before being disposed in refuse containers for collection.
3. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being disposed in refuse containers for collection.
4. All refuse containers shall have water-tight seams and must be provided with a tight fitting cover and shall be kept in good repair and condition.
5. All refuse containers shall be kept odorless and as sanitary as possible in view with the use to which they are put and shall be thoroughly cleansed after refuse is removed by the collector.
6. All drains in refuse containers shall be covered with a maximum size of 1/4 screenings.
7. All refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises.



8. All refuse containers shall be located in well-drained areas, and the areas shall be properly graded so to prevent the accumulation of storm and other water.
9. A permit must be first obtained from the City's Manager prior to the placing of a dumpster on a lot in a residential district.
10. Any refuse container that does not conform to the provisions of this Part or that may have ragged or sharp edges or any other defect liable to hamper or injure persons or property shall be promptly replaced.
11. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by the person or not, except it being in proper refuse containers or sealed containers for collection. No person shall throw or dispose any refuse in any stream or any body of water.
12. It shall be unlawful for any person other than the occupant, agent, or employee of the premises, on which the refuse containers or sealed containers are placed, to place refuse in said containers; and, it shall be unlawful for any person to deposit in said containers refuse which has been produced off the premises.
13. It shall be unlawful for any person, other than the occupant, agent or employee of the premises on which refuse containers or sealed containers are placed, or the collector of refuse, to remove the covers or any of the contents of refuse containers.
14. All refuse containers and sealed containers must be covered and made secure at all times, except those times when refuse is being deposited therein or refuse is being collected therefrom.
15. Any accumulation of refuse on premises or outside of a refuse container or sealed container is unlawful and is hereby declared a nuisance and is prohibited. Failure to remove an existing accumulation of refuse within 24 hours after the effective date of this Part shall be deemed a violation of this Part.
16. Yard waste may be placed next to containers if it is tightly secured, not more than four feet in length, nor more than 20 inches in diameter and not more than 45 pounds in weight.

**§ 109. Standards and Regulations. [Ord. 4, 1/31/1994]**

1. The City shall collect solid waste acceptable for collection or it may contract with authorized collector(s), or it may license private collectors to provide this service.
2. The collector shall provide service to all who desire service and have paid the required fees.

3. Collection Requirements.
  - A. All household solid waste shall be collected at least once each week, with the exception of bulky waste, and dead animals for which arrangements shall be made in advance with the collector. All institutional, commercial and industrial solid waste shall be collected as often as required by generated volumes and environmental problems.
  - B. All recyclable materials shall be collected at least bi-weekly and in accordance with the City of St. Marys Recycling Ordinance [Part 2].
4. The collector shall establish and record a regular collection schedule. If a collection day falls on a holiday, the collector shall notify all customers of when collection will be made.
5. All collection and transportation vehicles shall be constructed of metal or other impervious materials, able to be enclosed or fitted with a cover which will be used to prevent spillage of the contents. All waste materials dropped on streets or roads shall be immediately pick up.
6. All vehicles shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding.
7. Place of Collection.
  - A. Refuse containers shall, for the purpose of collection, be placed at the curb or street line, at ground level, and be made readily accessible to the collector.
  - B. Notwithstanding provisions of this Part, residential property owners, commercial establishments, or other persons may, by mutual agreement with collectors, be permitted to place containers at a location on their property other than a specified in Subsection (7)(A), above.
  - C. Collections shall be made from all properties throughout the City. This shall include all streets, dedicated or otherwise, and shall include those streets that are temporarily closed for repairs or construction. In the latter case, special collection points shall be designated by the City Council if the condition of the street would prevent access thereto by the collector's truck.
8. Frequency of Collections.
  - A. Collection; Schedule and Routes. The collector shall collect solid waste, as defined herein, throughout the City on routes and schedules developed and mutually agreed upon by the Coordinator and the collector and may be modified from time to time as necessary and as agreed upon by the Coordinator.

- B. Hours. Collections shall be made at those hours mutually agreed upon between the collector and the City Council. Hours agreed upon shall be so indicated within the collection contracts or licenses.
- C. Clean-Up Special Collection. The collector shall, on scheduled routes, cooperate with special clean-up drives as may be promulgated by the City Council which shall not exceed two in number in one year.

**§ 110. Regulations of Private Collector. [Ord. 4, 1/31/1994]**

1. No person shall collect, remove, haul or convey any solid waste through or upon any of the streets or alleys of the City, or dispose of the same in any manner or place without obtaining a license from the City Council. Such a license shall not be required of private owners collecting and removing their own privately generated refuse by approved containers and/or vehicles to a DER-approved disposal site or to an authorized recycling center.
2. All collectors shall be licensed by the City.
3. Each person licensed hereunder shall pay an annual license fee in the amount as established, from time to time, by resolution of City Council, which fee shall be due and payable when the application for a license is made with the City. Each license must be renewed on or before the first day of each calendar year subsequent to the date of issuance, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
4. Every person who shall apply for a license under this Section shall state the manner of collection and the place and method of disposal.
5. No license shall be granted if the method of disposal shall not conform to the requirements of this Part or to the ordinance of any municipal or quasi-municipal corporation wherein disposal of refuse is to be made. Such requirements may include, but not be limited to, a provision requiring the collection and transportation of recyclable materials in accordance with a municipal recycling ordinance [Part 2].
6. No licensed collector shall make any change in the arrangements for disposal of solid waste collected by him without first receiving the approval of the City Council.
7. It shall be unlawful for an unlicensed collector to collect or remove solid waste from a household, institution or commercial enterprise providing the collector is not collecting and/or removing such solid waste from his privately-owned property, and providing such collector complies with all other provisions of this Part applicable thereto.

8. Collectors shall be required to have liability, automobile and workmen's compensation insurance in amounts provided by the City Council; and, the collectors shall provide appropriate certificates thereof.
9. Collectors shall be required to submit to the City when applying for an annual license a schedule of fees which shall include all service charges and rates for collection and disposal of solid waste. Any change to these rates during the calendar year must also be submitted to the City.
10. Collectors shall be required to submit to the City total tonnage figures disposed by the collector in the previous calendar year.

**§ 111. Collection Vehicles, Equipment and Personnel. [Ord. 4, 1/31/1994]**

1. All vehicles used for collection of solid waste shall be equipped with compacting devices or equivalent types of closed bodies and shall have enclosed cargo space, unless such collection is done by private individuals from solid waste generated on private property; at which time, appropriate containers shall be utilized; and all other provisions of this Part affecting such collection shall be adhered to.
2. It shall be unlawful to collect, haul, transport or convey solid waste in open, unenclosed vehicles, unless such refuse is hauled from private property by the owner; except that open-type vehicles may be used only for the collection of large items of debris which cannot, because of size, be collected by ordinary means, in accordance with the provisions of § 113(1).
3. Trucks shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the laws of the Commonwealth of Pennsylvania, the County of Elk and the City.
4. The collector shall furnish proof that he is the owner of the vehicle(s) to be used, or he must produce in writing a lease or rental agreement between the titled owner of the vehicle(s) and the collector.
5. Vehicles and equipment shall not be overloaded so that garbage or trash may spill or drop on the highways or streets, nor shall the equipment be so designed or maintained so as to permit the leakage of fluids. All trucks shall be regularly cleaned and kept in proper condition and shall bear the name and address of the contractor plainly visible on both cab doors.
6. All vehicles shall be inspected by the designated agent of the City for compliance with the provisions of this Part, prior to the issuance of any license, and shall thereafter be inspected every year on or before the anniversary date of said license.
7. Each truck shall have at least one broom and shovel to clean up refuse that may be spilled or otherwise scattered during the process of collection.

8. The collector shall file with the City Council a list of all vehicles and equipment with identification information thereon. Change in equipment shall be promptly reported to the City Council so that at all times their records will be correct and accurate.
9. The collector, at his expense, shall store and park the equipment at a convenient and lawful place. No trucks or equipment may be parked or stored on any street within the City, except during actual collection periods.

**§ 112. Standards and Regulations for Storage After Collection. [Ord. 4, 1/31/1994]**

1. All storage of solid waste after collection and before disposal shall only be in transfer stations which conform to the regulations of the Commonwealth of Pennsylvania, the County of Elk and the City. The only exception shall be full or partially full collection vehicles which have made a final pick-up for day. In no case shall such collection vehicles be permitted to hold solid waste longer than 24 hours.
2. All plans and specifications for transfer stations shall be submitted for approval and permit issuance to the City, the County of Elk and the Commonwealth of Pennsylvania. A permit must be received from the Commonwealth of Pennsylvania before operation commences.
3. All storage of solid waste in transfer stations shall be limited to no more than 48 hours.
4. Operators of transfer stations must submit to the City a contingency plan for the disposition of solid waste which is not able to be removed from the site within 48 hours because of an emergency situation.

**§ 113. Standards and Regulations for Disposal. [Ord. 4, 1/31/1994]**

1. It shall be unlawful for any collector to dump, process, destroy, bury or otherwise dispose of solid waste within the jurisdictional limits of the City except at facilities approved and permitted by the City, the County of Elk and the Pennsylvania Department of Environmental Resources.
2. All collectors shall dispose of the solid waste from the City at a sanitary landfill, incinerator, waste-to-energy plant or other facility approved and permitted by the Pennsylvania Department of Environmental Resources.
3. The specific disposal site shall be designated by the City in its contracts and/or licenses with collectors.
4. All disposal regulations at the designated disposal site shall be adhered to by the collector(s).

5. All vehicles used for collection shall use, in so far as practical, State highways when proceeding to and from the designated disposal site, except when using roads or streets in those townships or boroughs where licensed to collect.

**§ 114. Standards and Regulations for Processing Methods. [Ord. 4, 1/31/1994]**

1. All solid waste processing shall be accomplished by approved methods in properly permitted facilities including, but not limited to, incinerators, compost plants and salvage operations conforming to all the applicable laws, ordinances and zoning requirements.
2. All plans and specifications shall be approved by the Commonwealth prior to the construction and operation of such processing facilities.
3. All incinerators shall be operated so that pollution of the air will not exceed the air quality standards established by the Pennsylvania Department of Environmental Resources.
4. Residues or discards from the processing facilities shall be disposed of at a Pennsylvania Department of Environmental Resources permitted facility.

**§ 115. Prohibited Activities. [Ord. 4, 1/31/1994]**

1. It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal except as may be provided for in the City's solid waste rules and regulations promulgated under this Part.
2. It shall be unlawful for any person to salvage or reclaim any solid wastes except at a properly permitted facility in which salvage is an integral plan of operation.
3. It shall be unlawful to make garbage available for animal consumption unless such refuse has been heat-treated to kill any disease agent therein.
4. It shall be unlawful for any person to use, maintain or operate an open dump.
5. It shall be unlawful for any person to burn any solid waste except in a manner and under conditions prescribed by the Coordinator and such burning shall be in accordance with the pertinent rules and regulations of the Commonwealth.
6. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited, any solid waste in or upon any street, alley, sidewalk, body of water, public or private property except as provided in this Part.

7. It shall be unlawful for any person to allow any abandoned vehicle to remain upon any public property more than 48 hours or on private property with an expired vehicle license. (Salvage yards, specially licensed historical vehicles, and those vehicles screened from sight shall not be considered abandoned.)

**§ 116. Regulations. [Ord. 4, 1/31/1994]**

The collection of solid waste in the City and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the City Council and administered by the Coordinator; provided, however, that no such rules and regulations shall be contrary to the provisions of this Part or applicable law.

**§ 117. Inspection Procedures. [Ord. 4, 1/31/1994]**

1. Containers, vehicles, equipment, transfer stations, disposal sites, books and records under the jurisdiction of this Part of authorized, unauthorized or prospective collectors, storers, processors and disposers are subject to inspection by the Coordinator or his authorized agent at any reasonable hour without prior notice.
2. Vehicles and equipment of collectors shall be inspected by the coordinator or his authorized agent before being put into operation and during operation.
3. All solid waste storage, transfer, processing or disposal facilities within the City shall also be inspected, immediately prior to commencement of operation of the site and at least once per year thereafter in concert with representatives of the Commonwealth.
4. If violations of this Part are discovered in the course of these inspections, the Coordinator is empowered to enforce this Part.

**§ 118. Insurance. [Ord. 4, 1/31/1994]**

Prior to operation of any solid waste storage transfer, processing or disposal facility within the City, the applicant shall be required to present evidence of insurance coverage. The City Council shall have the right, at any time, and without refund of any part of the license fee, to suspend or revoke the license of any authorized or private collector for any of the following causes:

- A. False or misleading statements in the application for a license.
- B. Lapse or cancellation of insurance coverage.
- C. Collecting or transporting refuse in a careless or negligent manner resulting in dirt, odor or any unsanitary condition.
- D. Failure to deposit solid waste at a Department of Environmental Resources approved disposal site in compliance with all disposal regulations in force at the approved site.

- E. A violation of any part of this Part or any other ordinances of the City, or any applicable State or County laws.

**§ 119. Injunctive Powers. [Ord. 4, 1/31/1994]**

The coordinator may petition the Court of Common Pleas (59th District) for an injunction, either mandatory or prohibitive, to enforce any of his decisions.

**§ 120. Penalties. [Ord. 4, 1/31/1994]**

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 continues shall constitute a separate offense.



**PART 2**  
**RECYCLING REGULATIONS**

**§ 201. Short Title. [Ord. 4, 1/31/1994]**

The short title of this Part shall be the "City of St. Marys Curbside Recycling Ordinance," and the same may be cited in that manner.

**§ 202. Definitions. [Ord. 4, 1/31/1994; as amended Ord. 186, 7/5/2004, § 1]**

As used in this Part:

ALUMINUM CANS — Empty all-aluminum containers.

BIMETAL CONTAINERS — Empty food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

COMMERCIAL ESTABLISHMENT — Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

COMMUNITY ACTIVITIES — Events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, social, picnics and organized sporting events attended by 200 or more individuals per day.

CORRUGATED PAPER — Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

ELECTRONICS — Shall include, but not be limited to: answering machines, compact disc players, copiers, duplicators, DVD players, electric typewriters, fax machines, hard drives, laptops, mainframe computers, mobile phones, modems, microwave ovens, pagers, personal computers (including CPU's, monitors, keyboards, mice and peripherals), printers, printed circuit boards, radios, remote controls, stereos, tape players, telephone and telephone equipment, televisions, testing equipment, transparency makers, uninterruptible power supplies and VCR's. Expressly prohibited are radioactive materials, smoke detectors, thermostats and appliances.

FERROUS CONTAINERS — Empty steel or tin food/beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain and ceramic products.

HIGH-GRADE PAPER — All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

**INSTITUTIONAL ESTABLISHMENT** — Those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

**LEAF WASTE** — Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and trees trimmings but not including grass clippings.

**MAGAZINES and PERIODICALS** — Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded, however, are all other paper products of any nature whatsoever.

**MULTIFAMILY HOUSING PROPERTIES** — Properties having four or more dwelling units per structure.

**MUNICIPAL ESTABLISHMENTS** — Public facilities operated by the City and other governmental and quasi-governmental authorities.

**NEWSPAPER** — The paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled.

**PERSON(S)** — Owners, lessees and occupants of residences, commercial or institutional establishments.

**PLASTIC CONTAINERS** — Empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

**RECYCLABLE MATERIAL** — Those materials specified by the City to be recycled. This list of materials is specified in the recycling regulations resulting from this Part and may be revised from time to time as deemed necessary by the City.

**RESIDENCE** — Any occupied single or multifamily dwelling having up to three dwelling units per structure from which a municipal or private hauler collects solid waste.

**WASTE** — A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved for beneficial use.

**YARD WASTE** — Prunings, grass clippings, weeds, leaves and garden wastes.

**§ 203. Establishment of Programs. [Ord. 4, 1/31/1994; as amended by Ord. 186, 7/5/2004, § 2]**

1. Recyclable Materials and Leaf Waste. There is hereby established a program for the mandatory separation of recyclable materials and leaf waste from solid waste by all persons within the City of St. Marys, hereinafter referred to as the "City."
2. Electronic Materials. All residents are required to separate qualified electronic materials from their waste stream. All qualified electronics must be taken to the Elk County Electronics Recycling Center located in the Stackpole Complex by the resident.

**§ 204. Separation of Recyclables and Placement for Disposal. [Ord. 4, 1/31/1994; as amended by Ord. 145, 11/19/2001]**

Recyclable materials shall be placed at the curb separated from solid waste for collection at such times and dates as may be hereinafter established by regulation. No recyclable material or leaf waste shall be burned within the City of St. Marys.

**§ 205. Collection by Unauthorized Person(s). [Ord. 4, 1/31/1994]**

Separated recyclable materials placed at the curb for collection by an authorized collector are the property of the City of St. Marys. It shall be a violation of this Part for any person(s), unauthorized by the City, to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

**§ 206. Enforcement and Administration. [Ord. 4, 1/31/1994]**

The Recycling Coordinator is authorized and directed to enforce this Part. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, dates and times for the collection of recyclable materials in accordance with the terms hereof and any other material required to implement this Part. The Recycling Coordinator may change, modify, repeal or amend any portion of said rules and regulations at any time. The Recycling Coordinator shall give public notice as to the manner, days and time of collection and any other matters requiring the imposition or change of regulations concerning this Part.

**§ 207. Violation and Penalty. [Ord. 4, 1/31/1994]**

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 said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues constitutes a separate violation. No enforcement of §§ 203 and 204 of this Part shall be made until three months from the effective date of regulations authorized to be promulgated hereunder.

**§ 208. Franchise or License. [Ord. 4, 1/31/1994]**

The City may enter into an agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

**§ 209. Alternative Collection of Recyclable Material. [Ord. 4, 1/31/1994]**

Any person may donate or sell recyclable materials to individuals or organizations as permitted under § 1501(f) of Act 101. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days by the City. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled curbside collection day.

**§ 210. Recycling Regulations. [Ord. 4, 1/31/1994]**

1. Separation of Recyclables by Residences and Storage and Collection.
  - A. Recyclable Materials. Residences are required to separate the following recyclable materials from their waste stream:
    - (1) Aluminum.
    - (2) Clear glass.
    - (3) Colored glass.
  - B. Preparation of Materials. Residences are required to rinse all glass and aluminum containers and remove metal lids and rings. None of the following materials will be accepted for recycling:
    - (1) Dirty or unrinsed containers.
    - (2) Metal caps, lids and bottle collars.
    - (3) Light bulbs and television tubes.
    - (4) Ceramics, including cups, dishes, oven ware and drinking glasses.
    - (5) Stones and dirt.
    - (6) Plate or window glass and mirrors.
    - (7) Heat resistant glass, including Pyrex.
    - (8) Lead based glass, such as crystal.
  - C. Storage and Collection of Materials.

- (1) **Storage Containers.** Residential dwellings (i.e., those containing three or fewer dwelling units) shall be provided storage containers by the City for each dwelling unit. These containers shall be distributed to each dwelling unit and registered for that address. Each property owner is responsible for the storage container and must replace it if it is lost, stolen or destroyed.
  - (2) **Separation of Containers.** Recyclable materials shall be properly prepared and deposited into the provided storage container. Recyclable materials may be commingled in the storage container (i.e., it is not necessary to separate the various types of recyclable materials).
  - (3) **Placing at the Curb, Berm or Pick-Up Area.** Storage containers shall be placed at the curb, berm or normal pick-up area on each designated day for collection by the authorized collector(s). A schedule will be provided to each dwelling showing dates for normal collection.
  - (4) **Collection of Materials.** Recyclable materials will be collected by the authorized private collector under contract with the City of St. Marys on the days designated. Persons may take their recyclable materials to other authorized parties for sale or donation. Persons may also place materials at the curb for collection by an authorized collector not under contract with the City, although materials may not be placed at the curb within 24 hours of a regularly scheduled curbside collection day.
- D. **Leaf Waste.** The City of St. Marys shall make leaf collection bags available (three per household) in the fall of each year to every residence. The City of St. Marys shall collect leaf bags placed at the curb as soon as practically possible. Moreover, persons may rake loose leaves and other leaf waste to the curb or berm for collection by the City. At all other times of the year, residences are responsible for securing the private collection and/or composting of leaf waste.
2. **Separation of Recyclables by Multifamily Housing Properties and Storage for Collection.**
- A. **Recyclable Materials.** Multifamily housing properties (i.e., residences containing four or more housing units) are required to separate the following recyclable materials from their waste stream:
- (1) Aluminum.
  - (2) Clear glass.
  - (3) Colored glass.

- B. Preparation of Materials. Residences are required to follow the same regulations as imposed under § 210(1)(B), above.
  - C. Storage and Collection of Materials. The owner, landlord, or agent of an owner or landlord of multifamily housing properties is required to comply with the requirements of Act 101 by establishing a collection system for the designated recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions of the occupants concerning use and availability of the collection system. Collection must be provided at least one day each month.
  - D. Record Keeping. The owner, landlord or agent of an owner or landlord is responsible for providing the City with an annual record of the amount of recyclable materials separated from the waste stream. Compliance with this regulation may be accomplished through agreement with a private collector(s) who will be responsible for keeping a record of the total weight of each recyclable material processed with the City of St. Marys, along with proper documentation of this weight (e.g., receipt from recycling agent, broker or user). Proper documentation must be submitted to the City of St. Marys no later than February 1 of each year reporting weight recycled in the past calendar year.
3. Separation of Recyclables by Commercial, Municipal, and Institutional Establishments and at Community Activities and Storage and Collection.
- A. Recyclable Materials. Commercial, municipal, and institutional establishments and community activities are required to separate the following recyclable materials from their waste stream:
    - (1) High grade office paper.
    - (2) Aluminum.
    - (3) Corrugated paper.
    - (4) Leaf waste.
  - B. Preparation of Materials. Preparation of the material may be determined by the collector contracted to remove the material from the premises and/or the recycling agent, broker, or user.
  - C. Record Keeping. All commercial, municipal, and institutional establishments and community activities are responsible for providing the City with an annual record for the amount of recyclable material separated from the waste stream. Compliance with this regulation may be accomplished through agreement with a private collector(s) who shall be responsible for keeping a record of the total weight of

each recyclable material processed within the City of St. Marys, along with proper documentation of this weight (e.g., receipts from recycling agent, broker or user). Proper documentation must be submitted to the City of St. Marys no later than February 1 of each year, reporting weight recycled in the past calendar year.

4. Public Education Program.
  - A. Timing and Manner. The City of St. Marys shall provide public notice of the recycling program 30 days prior to start-up and once every six months thereafter. Public notice shall consist of an advertisement in the local newspaper. The notice shall include a brief description of the requirements for each category affected, along with the method of collection.
  - B. Other Educational Programs. The City of St. Marys shall periodically provide spot advertising on local radio stations to encourage voluntary compliance with the program and inform persons of areas for assistance in implementing the program. The City of St. Marys will cooperate and assist with county-wide educational programs on recycling. Leaflets and other printed material will be disbursed through the authorized private collector and available at the City Office and County Recycling Office.
5. Changes to Regulations. Changes to the recycling program regulations will be approved by the City Council at regular Council meetings. Public notice of any changes will be provided in the local newspaper and through other media (e.g., radio and leaflets).

