

**CHAPTER 20
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**COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL
OF MUNICIPAL SOLID WASTE AND MANDATORY RECYCLING PROGRAM****A. General****§20-101. Scope.**

This Chapter shall govern and control all aspects of the collection, storage, transportation, processing and disposal of municipal waste and recycling in the Town of Bloomsburg. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal and institutional establishments and community activities.

(Ord. 722, 3/5/1990, §1)

§20-102. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

AGENT - one who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefore).

ALUMINUM CANS - empty, all-aluminum beverage and food containers.

AUTHORIZED COLLECTOR - a Private Hauler (as defined herein), or a person who, being so authorized by the terms of this Chapter, removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent (as defined herein) of another person.

BI-METALLIC CANS - empty food or beverage containers consisting of both steel and aluminum.

COLLECTOR - a general term referring to any person who collects, for removal from premises, municipal waste or recyclables.

COMMERCIAL - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business, or establishment.

COMMERCIAL, INSTITUTIONAL, MUNICIPAL SOURCE of WASTE GENERATION - a store, office, commercial establishment, industrial establishment, or a municipal or institutional establishment which generates waste. [Ord. 732]

COMMUNITY ACTIVITY - an activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural or

civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefore.

CORRUGATED PAPER - structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

CURBSIDE COLLECTION - a method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside (or similar place along the public right-of-way fronting along their property), at times designated by the Bloomsburg Town Council, for collection and removal by an authorized collector thereof for delivery to a recycling center.

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

DISPOSAL AREA - any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

DORMITORY SOURCE of WASTE GENERATION - a structure containing one or more rooms used for living and sleeping purposes having no kitchen or kitchenette with fixed cooking facilities. This term does not include a hotel or motel or similar place of transient lodging. [Ord. 732]

DWELLING UNIT - one or more rooms, including an "apartment," used for living and sleeping purposes, having a kitchen or kitchenette with fixed cooking facilities and a bathroom with a toilet and bathtub or shower. This term does not include a room within a dormitory, boarding house or hotel (or similar place of transient lodging). [Ord. 732]

DWELLING UNIT SOURCE of WASTE GENERATION - a dwelling unit. [Ord. 732]

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS - all empty food and beverage jars or bottles made from silica or sand, soda ash, and limestone, the product being transparent or translucent (either clear, green or brown) excluding; however, blue glass, flat glass, plate glass, glass commonly known as "window glass," automotive glass and ceramic and porcelain products.

HIGH-GRADE OFFICE PAPER - any white paper other than newsprint, magazines or other chemically coated paper or corrugated paper, of the type commonly used for letter-writing stationery, note paper, plain paper

photocopying machines, computer printers and other general-purpose paper, whether or not any printed or written matter is contained thereon.

INSTITUTIONAL - of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

LANDLORD - the owner of residential property or such owner's authorized agent.

LEAF WASTE - leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings and similar material capable of composting, but excluding grass clippings.

MAGAZINES - printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

MULTI-FAMILY HOUSING PROPERTY - a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains five or more dwelling units.

MUNICIPAL - of or pertaining to any office or other property under the control of any branch or arm of the Federal government of the United States of America, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Town of Bloomsburg, any Counties, Cities, Boroughs, Townships and municipal authorities.

MUNICIPAL WASTE - an all-encompassing, most general term meaning any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, except farm-produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes and any sludge not meeting the definition of "residual or hazardous waste" as defined in Commonwealth of Pennsylvania Solid Waste Management Act; but, excluding recyclables.

NEWSPAPER - paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper and any other paper products of any nature.

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Chapter 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.

PLASTIC BEVERAGE CARRIER - plastic rings or similar plastic connectors used as holding devices in the packaging of beverages including, but not limited to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

PLASTIC CONTAINERS - empty plastic food and beverage containers, the specific types of which may, from time to time, be designated by resolution of the Bloomsburg Town Council.

PLASTIC #1 (PET) CONTAINER - plastic containers imprinted with the SPI code No. 1, such as beverage bottles, dishwashing soap bottles, shampoo bottles and similar items.

PLASTIC #2 (HDPE) CONTAINER - plastic containers imprinted with SPI code No. 2, such as plastic milk jugs, water bottles, detergent bottles, and similar items. Motor oil bottles are not acceptable.

PRIVATE HAULER - a person licensed by the State per the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect, haul, transport and dispose of municipal waste and/or recyclables. All such haulers shall comply with the provisions of the aforementioned Program, as well as all Federal, State, and local laws, rules and regulations.

PROCESSING - any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resource recovery facilities.

RECYCLABLES - materials designated as recyclable in this Chapter or required by the terms of this Chapter (or any amendment hereto) to be kept separate from municipal waste, and recycled.

RECYCLING - the collection, separate maintenance, separation, recovery and sale or reuse of recyclables which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal waste other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING CENTER - a facility designed to, and which does, act as a collection center for the processing, storage and shipment of recyclables. The term specifically excludes transfer stations and landfills for solid waste and composting

facilities and resource recovery facilities and, specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.

RESIDENTIAL - of or pertaining to any dwelling unit used as a place of human habitation and which is not commercial, municipal, institutional or a community activity. Home occupations incidental to a residential use within a building are considered "residential."

RESOURCE RECOVERY FACILITY - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recovery energy. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off point or collection center for recycling or any source separation or collection center for composting leaf waste.
- D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

RUBBISH - leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, manure and all solid combustible matter not included in this Section under the definition of "garbage."

STATE - The Commonwealth of Pennsylvania.

STEEL CANS - empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.

STORAGE - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of 1 year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

STRUCTURE - anything constructed or erected, the use of which requires a permanent location on the land or that is attached to something having a permanent location of the land. [Ord. 732]

TOWN - the Town of Bloomsburg, Columbia County, Pennsylvania.

TRANSPORTATION - the offsite removal of any municipal waste at any time after generation thereof.

WASTE - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Protection for beneficial use. [Ord. 841]

(Ord. 722, 3/5/1990, §2; as amended by Ord. 732, 12/27/27, 1990, §1; and by Ord. 841, 12/19/2001)

§20-103. Dumping/Litter.

1. It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the jurisdictional limits of the Town, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream or body of water within the jurisdictional limits of the Town.
2. Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in an appropriate receptacle any municipal waste, recyclables or other debris deposited or accumulated on the sidewalk or gutter area in front of or adjacent to such property. All owners or operators of commercial, industrial, institutional and municipal establishments in the Town's downtown business district shall take all reasonable precautions to prevent the deposition and accumulation of debris in front of their premises, and in furtherance of that end, may place appropriate waste containers on the sidewalks in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.
3. Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection and listed as designated facility in the Columbia County Solid Waste Plan. , provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste as required in §20-105, below. [Ord. 841]
4. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural wastes.

(Ord. 722, 3/5/1990, §3; as amended by Ord. 841, 12/19/2001)

§20-104. Preparation and Storage of Municipal Waste.

1. The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance.
2. Any person accumulating or storing municipal waste on private or public property in the Town for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:
 - A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction, rust and corrosion resistant, equipped with lids and waterproof and leak-proof (except that lids shall be optional on large bulk containers commonly known as "dumpsters").B. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers described above, and all ashes shall be free of any burning material before being deposited for collection.
 - B. No person, except the occupants of the property on which a waste container is placed, an authorized Private Hauler, and the Town Code Enforcement Officer shall remove the lids of the container and/or remove the contents thereof.
 - C. All hazardous waste including, but not limited to, municipal waste of a highly flammable or explosive nature or highly infectious or contagious municipal waste, shall not be stored for ordinary collection, but shall be specially disposed of in accordance with the directions of the Town or of any State or Federal authority having jurisdiction thereof.
 - D. Containers, other than bulk containers, shall be placed at such locations as may be agreed upon by the person and the authorized Private Hauler.
 - E. Bulk containers (such as dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector which will enable clear and easy access to the container by the collector's vehicle.
 - F. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Chapter by the person on whose property the bulk container is located, if it is located on private property.

(Ord. 733, 3/5/1990, §4)

§20-105. Required Collection and Hours of Collection.

1. All owners of property within the Town of Bloomsburg shall provide for the regular preparation, collection and removal of all municipal waste generated at such properties in one of the approved manners set forth herein.
2. If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at intervals short enough to prevent accumulations of refuse or garbage that may be unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of only in the manner required by §20-122, below.
3. Every owner or occupant of residential property and every other person who, or establishment which, does not collect and remove their own municipal waste, as aforesaid, shall contract with a Private Hauler for the regular, scheduled collection and removal of the municipal waste at least once each week. Municipal waste shall be prepared for collection and be collected and removed from such persons or establishments properties at least once each week, except where conditions beyond the control of the Private Hauler prevent it
4. No person other than a Private Hauler shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the Private Hauler who is to collect such waste.
5. Private Haulers shall collect municipal waste and recyclables from properties within the Town limits only between the hours of 5 a.m. and 5 p.m. on any given day.
6. Nothing herein shall limit the right of the Town to implement public collection of municipal waste or residential recyclables either by entering into contracts or by engaging in any collection practice permitted by law.
7. Nothing in this Section shall modify the requirements in this Chapter pertaining to separation and disposal of recyclables. Nothing in this Section shall impair the ability of the Town to provide a system of placement for removal and public collection of leaf waste, or for Town residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

(Ord. 722, 3/5/1990, §5)

§20-106. Transportation of Municipal Waste and Recyclables.

1. Any person transporting municipal waste or recyclables within the Town shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste or recyclables.
2. All persons authorized to collect municipal waste or recyclables shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.
3. The transfer of waste or recyclables from one collection vehicle to another may not take place in the Town of Bloomsburg, except on private property in those areas of the Town which are located within the Industrial Park zoning districts. No such transfer may take place on any public right-of-way and no such transfer operation may block traffic, create litter or in any other manner constitute a nuisance, create a health hazard or violate any other ordinance of the Town or provision of statutory law.

(Ord. 722, 3/5/1990, §6)

§20-107. Dumpster Permits.

Any collector or other person who desires to place any large bulk container, commonly known as a "dumpster," on a street or other public right-of-way in the Town of Bloomsburg shall, prior to such placement, obtain from the Town of Bloomsburg Police Department a permit authorizing such placement. One such permit shall be obtained for each dumpster to be placed on any public street or right-of-way. A fee shall be collected by the Town of Bloomsburg Police Department for each such permit issued, in an amount to be established, from time to time, by resolution of the Bloomsburg Town Council. The permits required hereunder shall be in the form of a sticker or other device capable of being affixed to the dumpster for which the permit is issued, and the permit shall be so affixed to the dumpster by the permittee in accordance with instructions of the Police Department pertaining thereto. The permits issued pursuant to this Section shall be nontransferable and may be used only by the permittee to whom originally issued, for the dumpster and at the location for which originally issued.

(Ord. 722, 3/5/1990, §7)

§20-108. Public Litter Baskets.

The Town is hereby authorized to collect municipal waste from Town property, to provide public litter baskets on sidewalks in the Town and to dispose of such waste in either a receptacle of a Private Hauler or at designated disposal sites.

(Ord. 722, 3/5/1990, §8)

§20-109. Property Owners to Furnish Name and Address of Collector.

1. All owners of residential property within the Town of Bloomsburg shall furnish to the Town, on a form to be provided therefore, the name and address of the Private Hauler servicing the property in question.
2. The landlord of every multi-family housing property shall furnish such information as is required of other residential properties, plus all other information which is requested by the Town on a form to be provided therefore, in the manner required by §20-115, below.
3. Every commercial, municipal and institutional establishment and community activity shall furnish information to the Town in the manner required by §20-116, below.

(Ord. 722, 3/5/1990, §9)

§20-110. Disposal of Leaf Waste.

Leaf waste shall be kept separate from all other forms of municipal waste and separate from recyclables, and shall be disposed of in a manner to be designated from time to time by resolution of the Bloomsburg Town Council.

(Ord. 722, 3/5/1990, §10)

B. Recycling**§20-111. Separation of Recyclables.**

1. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions:
 - A. Owners and occupants of all residential properties shall keep separate the following recyclables:
 - (1) Clear glass containers.
 - (2) Brown glass containers.
 - (3) Green glass containers.
 - (4) Aluminum and bi-metallic food and beverage cans.
 - (5) Steel food and beverage cans.
 - (6) Newspaper.
 - (7) Plastic #1 (PET) Containers.
 - (8) Plastic #2 (HDPE) Containers.

Owners or occupants of all residential properties shall separate the recyclables listed above from municipal waste generated at residences and shall store the materials until they are collected for recycling in accordance with the provisions of Section §20-112 and §20-113 below.

An owner, landlord, or agent of an owner or landlord, of a multifamily housing property shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property in accordance with §20-113 below.

- B. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables:
 - (1) Clear glass containers.
 - (2) Brown glass containers.
 - (3) Green glass containers.
 - (4) Aluminum and bi-metallic food and beverage cans.
 - (5) Steel food and beverage cans.

- (6) Corrugated paper and high-grade office paper.
- (7) Newspaper.

Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall separate the recyclables listed above from municipal waste generated at the properties or locations of community activities, respectively, and shall store the materials until they are collected for recycling in accordance with the provisions of Section §20-114 below.

An owner, or agent of an owner, of a commercial, municipal or institutional establishment or property, or a sponsor or organizer of community activities, shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property, or location of community activities, respectively, in accordance with Section §20-114 below.

[Ord. 732]

2. Newspaper shall be placed in easy-to-manage bundles in paper bags or corrugated paper boxes, and kept dry. Glass containers shall be emptied, cleaned and separated into clear, brown and green and double-paper-bagged or placed in corrugated paper boxes. Food and beverage cans (including plastic, aluminum, steel, and bi-metallic) shall be emptied, have both ends removed (if possible), cleaned and placed in paper bags or corrugated paper boxes. Aluminum and bi-metallic cans may be mixed together, but steel cans and plastic containers shall be kept separate. High-grade office paper shall be placed in boxes. Recyclables may be placed in any type of rigid and water-proof open top container that does not exceed 30-gallons. Each category of recyclables listed in subsections (1) and this subsection shall be kept separate from one another.

(Ord. 722, 3/5/1990, §11; as amended by Ord. 732, 12/27/1990, §2)

§20-112. Disposal or Placement for Removal of Recyclables - Residential (Other than Multi-Family Housing Properties).

1. For residential properties other than multi-family housing properties, all recyclables which are required to be kept separate in residential properties pursuant to §111(1)(A), above, shall either be placed at the curbside to be collected at times designated by the Town. Materials not accepted at curbside may be taken directly to Bloomburg's recycling center.
2. The Town Council or its agent is empowered to designate the day(s) of each month on which recyclables shall be collected, removed and disposed of from a particular area.

(Ord. 722, 3/5/1990, §12)

§20-113. Disposal or Placement for Removal of Recyclables - Multi-Family Housing Properties.

1. For multi-family housing properties, all recyclables which are required to be kept separate in residential properties pursuant to §20-111.1.A above, shall either be delivered directly to a recycling center, or shall be picked up by a Private Hauler separately from municipal waste, in a pre-arranged manner, as shall be provided in the recycling plan required pursuant to §20-115 below.
2. Unless arrangements have been made in accordance with §20-121(3), recyclables generated in multi-family housing properties shall not be placed at the curbside for collection by the Town or its agent, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multi-family housing properties.
3. The landlord of every multi-family housing property shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this Chapter governing separation and disposal or placement for removal of recyclables in multifamily housing properties. Every such landlord shall set up a convenient and practical system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such properties. A Code Enforcement Officer will verify that a recycling system exists during annual inspection visits.

(Ord. 722, 3/5/1990, §13)

§20-114. Disposal or Placement for Removal of Recyclables - Commercial, Municipal, Institutional and Community Activities.

All recyclables which are required to be kept separate in commercial, municipal and institutional establishments and properties and community activities pursuant to §20-111.1.B above, shall either be delivered directly to a recycling center or shall be picked up by a Private Hauler separately from municipal waste, in a pre-arranged manner, as shall be provided in the recycling plan, required pursuant to §20-116 below. Commercial, municipal, and institutional establishments and community activities shall not place recyclables at the curbside for collection by the Town or its agent, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multi-family housing properties.

(Ord. 722, 3/5/1990, §14)

§20-115. Recycling Plan and Reports for Multifamily Housing Properties.

1. The landlord of every multi-family housing property shall annually complete a form to be designated "Recycling Plan for Multifamily Housing Properties," to be provided by the Town, on which the landlord shall set forth his planned method

for removal of recyclables. One such plan shall be completed and submitted for each property. All pertinent information requested on the plan shall be provided prior to submission. Each such recycling plan shall set forth the name and address of the landlord, the address of the property to which the plan pertains, and the name and address of the Private Hauler who regularly services the property. The recycling plan shall further set forth the name and business address of the employee or other person responsible for arranging disposal or removal of municipal waste and recyclables within the property, the method by which recyclables will be removed from the property, who will remove the recyclables, and the destination of the recyclables. The recycling plan required hereby must be submitted annually to the Town at its designated office , and shall be acted upon and either approved or disapproved by the Town's designated official within 60 days of proper filing thereof. If no action is taken within 60 days, then the plan shall be deemed approved. Any person required by this Section to complete and submit a recycling plan and obtain approval thereof, and who fails to do so, shall be guilty of a violation of this Chapter. If, during any calendar year, the identity of the landlord, the method of disposing of recyclables, or the identity of the Private Hauler regularly servicing the property shall change, then the landlord of such multi-family housing property shall, at the time of such change(s), submit a revised recycling plan for the balance of the calendar year, accurately setting forth such change(s).

2. In addition to the recycling plan, the landlord of every multi-family housing property shall submit a form to be designated "recycling report" in accordance with the following terms:
 - A. If the recyclables generated at the property in question are delivered or taken to Bloomsburg's recycling center, then a recycling report, indicating that the property's recyclables were delivered or taken there, shall be submitted annually to the Town at its designated office, on or before January 31, of each calendar year. In such cases, Bloomsburg's recycling center shall be the agent of the property's landlord for purposes of reporting the actual delivery of the property's recyclables to Bloomsburg's recycling center.
 - B. If the recyclables generated at the property in question are delivered or taken to any facility other than Bloomsburg's recycling center, then a recycling report and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken, shall be submitted quarterly to the Town at its designated office. For purposes of submitting such weigh slips quarterly to the Town, the collector who removed the recyclables from the property shall be the agent for the landlord. Each such quarterly recycling report shall be submitted on or before the 20th day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis, thus; January through March, April through June, July through September and October through December.

(Ord. 722, 3/5/1990, §15)

§20-116. Recycling Plan and Reports for Commercial, Municipal and Institutional Establishments and Community Activities.

1. Every commercial, municipal and institutional establishment and community activity sponsor or organizer shall annually complete a form to be designated "Recycling Plan for Commercial, Municipal and Institutional Establishments and Community Activities," to be provided by the Town, on which the establishment or sponsor shall set forth its planned method for removal of recyclables.
 - A. On the recycling plan, each establishment shall set forth its name, the address of the premises to which the plan pertains, the name and address of the building owner, the name and address of the Private Hauler who regularly services the establishment, the method of municipal waste disposal utilized by the establishment if no Private Hauler is used, and, in such case, where the waste is disposed of.
 - B. The recycling plan shall further set forth the name and business address of the employee or other person responsible for arranging disposal or removal of municipal waste and recyclables within the establishment, the method by which recyclables will be removed by the establishment, who will remove the recyclables, and the destination of the recyclables.
 - C. The operator of the business or other establishment occupying the premises, whether or not such person is the owner of the building, shall be responsible for filing the recycling plan. For community activities, the sponsor or organizer shall be responsible for filing the recycling plan.
 - D. The recycling plan required hereby must be submitted annually to the Town at its designated office, and shall be acted upon and either approved or disapproved by the Town's designated official within 60 days of proper filing thereof. If no action is taken within 60 days, then the plan shall be deemed approved. Any person required by this Section to complete and submit a recycling plan and obtain approval thereof, and who fails to do so, shall be guilty of a violation of this Chapter.
 - E. If, during any calendar year, the identity of the commercial, municipal, or institutional establishment or community activity sponsor, the method of removing recyclables, or the identity of the Private Hauler regularly servicing the property shall change, then the establishment or sponsor shall, at the time of such change(s), submit a revised recycling plan for the balance of the calendar year, accurately setting forth the change(s).
2. In addition to the recycling plan, the operator of every commercial, municipal, and institutional establishment and the sponsor or organizer of every community activity shall submit a form to be designated "recycling report" in accordance with the following terms:

- A. If the recyclables generated at the property in question are delivered or taken to Bloomsburg's recycling center, then a recycling report, indicating that the property's recyclables were delivered or taken there, shall be submitted annually to the Town at its designated office, on or before January 31, of each calendar year. In such cases, Bloomsburg's recycling center shall be the agent of the establishment or sponsor for purposes of reporting the actual delivery of the establishment's or activity's recyclables to Bloomsburg's recycling center.
- B. If the recyclables generated at the property in question are delivered or taken to any facility other than Bloomsburg's recycling center, then a recycling report and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken, shall be submitted quarterly to the Town at its designated office. For purposes of submitting such weigh slips quarterly to the Town, the collector who removed the recyclables from the property shall be the agent for the operator of the establishment or sponsor of the activity. Each such quarterly recycling report shall be submitted on or before the 20th day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis, thus; January through March, April through June, July through September and October through December.

(Ord. 722, 3/5/1990, §16)

§20-117. Collection by Unauthorized Persons.

1. From the time of placement for collection of residentially generated recyclable items for collection by the Town of Bloomsburg, whether the Town collects or contracts for collection, in accordance with the terms of this Chapter, the items shall be and become the property of the Town of Bloomsburg or its authorized agent. It shall be a violation of this Chapter for any person unauthorized by the Town to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from each location shall constitute a separate and distinct offense punishable as hereinafter provided.
2. It shall be unlawful for a person to collect, remove, or dispose of municipal waste which contains recyclables, required by that person to be separated, combined therewith.

(Ord. 722, 3/5/1990, §17)

§20-118. Presumption of Ownership of Municipal Waste.

The presence of any articles containing a person's name among municipal waste or recyclables shall create a rebuttable presumption, for purposes of this Chapter, that said municipal waste or recyclables are the property of the person whose name is found

therein. This presumption can only be rebutted by clear and convincing evidence to the contrary.

(Ord. 722, 3/5/1990, §18)

C. Collectors Duties**§20-119. Authorization of Collectors.**

With the exception of those persons who directly deliver (self-haul) their municipal waste and/or recyclables, it shall be unlawful for any person, other than such persons as are duly authorized by the State, to collect and to transport municipal waste of any nature or recyclables within or from the Town.

§20-120. Responsibilities of Private Haulers Collecting within the Town.

1. All Private Haulers shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit, as provided by the State, and to service each of their customers in accordance with each customer's recycling plan (where applicable), failure of which shall be a violation of this Chapter.
2. All Private Haulers contracted for the collection of municipal waste within the Town shall offer such customers the service of recyclables collection as described in Section §20-123 below. Failure to offer such customers recyclables collection shall be a violation of this Chapter.
3. Private Haulers shall have the window sticker issued for each vehicle with the license displayed on the vehicle for which it is issued as directed by the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes.
4. Private Haulers shall have placed on the doors or each side of the body of each vehicle the name of the hauler, the telephone number of the hauler's office or headquarters, and the type of waste being transported therein (or, if recyclables are being transported therein, then such to be indicated). The size of such lettering shall be no less than 6 inches in height and clearly legible. Vehicles shall be so marked within 10 days after the commencement of their use in the Town.
5. Private Haulers shall be responsible for maintaining each vehicle used for collection in the Town in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean and painted so as to present a favorable appearance. The Town shall have the right to inspect all vehicles collecting municipal waste and/or recyclables within the Town.
6. Private Haulers shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of municipal waste and recyclables under the terms of this Chapter.
7. Private Haulers shall comply with the limitations on hours of collection set forth in §20-105 of this Chapter.
8. Private Haulers shall pay all costs charged for the use of any disposal facilities which he utilizes.

9. Private Haulers shall empty bulk containers (such as dumpsters) which have been provided by them to their customers when such bulk containers become full.
10. Upon request of the Town, a Private Hauler shall provide to the Town, or make available for inspection and copying by the Town, any and all of the Private Hauler's records, pertaining to customer lists, collection records, and weight slips and receipts from landfills, transfer stations, and recycling centers (as applicable). The Town shall have the right to request and receive such records to the extent it may deem same to be necessary to the furtherance of the purposes, administration and enforcement of this Chapter. Once a written request for records is made by the Town pursuant hereto, the Private Hauler to whom the request is directed shall comply therewith and supply the requested records in accordance herewith within 10 calendar days from the date of the request, failure of which shall be a violation of this Chapter. [Ord. 750]

§20-121. Recycling Fee.

1. Owners of multifamily housing property may elect to have recyclable materials collected by the Town in a manner established by Town Council [Ord. 823]
2. All owners of residential properties except multifamily household properties who are required to recycle pursuant to this Chapter shall pay to the Town a recycling fee for each dwelling unit in the property in an amount and in a manner as determined, from time to time, by resolution of Town Council.
3. All owners of multifamily housing property who elect to have the Town collect its recyclable materials shall pay to the Town a recycling fee for each dwelling unit in the property in an amount and in a manner as determined, from time to time, by resolution of Town Council. [Ord. 841]

(Ord. 722, 3/5/1990, §19; as amended by Ord. 732, 12/27/1990, §3; by Ord. 740, 12/26/1991; by Ord. 750, 7/6/1992; by Ord. 776, 12/28/1994, §§1,2; by Ord. 823, 6/12/2000; and by Ord. 841, 12/19/2001)

§20-122. Agreement Between Columbia County and Bloomsburg

1. All collectors and/or haulers of municipal solid waste who handle such waste which has as its place of origin the Town shall deliver such waste only to solid waste facilities or transfer stations designated in the Columbia County Solid Waste Plan from which it will thence be disposed of at Columbia County designated facility. In the event no Columbia County designated facilities can accept certain waste (e.g., hazardous waste), then such waste shall be properly disposed of at any permitted facility which accepts such waste.

2. As a condition of such collectors and/or haulers right to collect and haul such wastes, such collectors and/or haulers shall pay to Columbia County designated facilities upon such terms of cash and/or credit as Columbia County designated facilities shall approve all fees charged by Columbia County designated facilities in connection with the disposal of the collectors and/or haulers solid waste.
3. All haulers and/or collectors of municipal solid waste generated in the Town will be permitted to deliver and deposit such waste at Columbia County designated facilities only during the period of time that such collectors and/or haulers have issued to them a valid existing license issued by the State. Such license shall be a prerequisite of any depositing of such municipal waste in Columbia County designated facilities.
4. All collectors and/or haulers of municipal solid waste generated in the Town must comply with all regulations listed in the Columbia County Solid Waste Plan.
5. It is the intention of this Section that all collectors and/or haulers of municipal solid waste generated in the Town shall deliver such waste only to municipal solid waste facilities, in accordance with the terms of the Columbia County Solid Waste Plan for so long as the said Plan shall be in force and effect. Any collector and/or hauler of municipal solid waste which has as its place of origin the Town, who delivers such waste to any solid waste facility or facilities other than Columbia County designated municipal facilities shall be in violation of this Chapter. Any collector and/or hauler who violates any of the terms of this Section shall be subject to any other applicable penalties which may be imposed by the Town of Bloomsburg.

(Ord. 722, 3/5/1990, §20)

§20-123. Private Haulers to Provide Recyclable Removal Service for Multifamily Housing Properties and Commercial, Municipal and Institutional Establishments and Properties.

1. Every Private Hauler shall be required to provide to its commercial, municipal, institutional and multifamily housing property customers the service of removing recyclables from their properties. Any such recyclables so removed by Private Haulers shall be kept separate from municipal waste, and shall be taken to a recycling center.

(Ord. 722, 3/5/1990, §21)

§20-124. Private Haulers Not to Accept Unlawfully Disposed of Recyclables.

No Private Hauler shall accept, pick up or remove any bag or other container of municipal waste which the hauler knows, or has reason to believe contains recyclables, required to be separated, combined with municipal waste or placed for collection as and

with municipal waste. Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pick-up, the hauler shall affix a tag or sticker to the container containing the recyclables (which tag or sticker will be provided by the Town), retain a duplicate for his records and deliver a triplicate to the designated office of the Town within 48 hours. When the hauler utilizes a tag or sticker pursuant to this Section, he shall fill in the information requested thereon, including the address at which the container is located and the nature of the suspected violation or the reason which led him to know or believe the container contained recyclables (e.g., he saw newspapers or he heard bottles rattling). The hauler shall leave such container with the tag or sticker placed thereon where he found it.

(Ord. 722, 3/5/1990, §22)

§20-125. Unlawful to Terminate Services of Private Hauler for Compliance with this Chapter.

No person shall terminate the services of a Private Hauler because of such hauler's compliance with the requirements set forth in §20-124 above. No Private Hauler shall accept as a new customer any person who has terminated the services of any other Private Hauler for compliance with the provisions of §20-124 above.

(Ord. 722, 3/5/1990, §23)

§20-126. Private Haulers to Provide White Goods Removal Service.

All Private Haulers doing business within the Town of Bloomsburg shall make available to their customers the service of removal of "white goods" (discarded major appliances, television sets, and similar articles)

(Ord. 722, 3/5/1990, §24)

D. Miscellaneous Provisions

§20-127. Violations and Penalties.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense. For purposes of this Section, the Doing of any act or thing prohibited by any provision of this Chapter, or the failure to do any act or thing as to which any provision of this Chapter creates any affirmative duty, shall constitute a violation of this Chapter, punishable as herein stated.

Private Haulers who shall violate any provision of this Chapter may be reported to the State of Pennsylvania Department of Environmental Protection, by the Town, and may be subject to the revocation of the State authorization to transport municipal waste, as

described in the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes.

(*Ord. 722*, 3/5/1990, §25; as amended by *Ord. 782*, 11/6/1995, §7; and by *Ord. 841*, 12/19/2001)