


[Search](#)
[Borough of Greencastle, PA](#)
[Index](#)
[Standard View](#)
[New Laws](#)
[CHAPTER 158. SKATEBOARDS, ROLLER SKATING AND CHAIRS.\] CHAPTER 166. STORMWATER MANAGEMENT](#)

This electronic version of the Code is provided for informational purposes only. For the official version of the Code, please contact the municipality.

[Jump to Content](#)

[CHAPTER 162. SOLID WASTE AND RECYCLING](#)

[§ 162-1. Scope.](#)
[§ 162-2. Purpose.](#)
[§ 162-3. Definitions.](#)
[§ 162-4. Dumping and littering.](#)
[§ 162-5. Preparation and storage of municipal waste.](#)
[§ 162-6. Required collection; hours of collection.](#)
[§ 162-7. Separation of recyclables.](#)
[§ 162-8. Disposal or placement for removal of recyclables.](#)
[§ 162-9. Recycling reports.](#)
[§ 162-10. Collection by unauthorized person.](#)
[§ 162-11. Authorization and duties of collectors.](#)
[§ 162-12. Licensed haulers to provide recyclable removal service.](#)
[§ 162-13. Licensed haulers not to accept unlawfully disposed of recyclables.](#)
[§ 162-14. Licensed haulers to provide bulky items removal service.](#)
[§ 162-15. Community-oriented charitable activities.](#)
[§ 162-16. Violations and penalties.](#)
[§ 162-17. Construal of provisions.](#)

CHAPTER 162. SOLID WASTE AND RECYCLING

[HISTORY: Adopted by the Borough Council of the Borough of Greencastle 3-2-1992 by Ord. No. 1992-1 (Ch. 20, Part 1, of the 1985 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. [132](#).

§ 162-1. Scope.

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

§ 162-2. Purpose.

This chapter is being enacted in an effort to implement a recycling program in order to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing and disposal facilities.

§ 162-3. 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 therefor).

ALUMINUM CANS

Empty, all-aluminum beverage and food containers.

APPLICANT

A person desirous of being licensed as a hauler or of being issued a recyclable collection permit, as the case may be.

AUTHORIZED COLLECTOR

A licensed hauler (as defined herein); a recyclable collection permittee (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.

BIMETALLIC CANS

Empty food or beverage containers consisting of both steel and aluminum.

BOROUGH

Greencastle, Franklin County, Pennsylvania.

BULKY ITEMS

Discarded "white goods" (major appliances), televisions, mattresses, furniture, air conditioners and similar household items.

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, financial or professional service or office enterprise, business or establishment.

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 therefor.

COMPOSTING

The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield humus-like product.

COMPOSTING FACILITY

A facility using land for processing of municipal waste by composting.

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 and municipal waste by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside (within the public right-of-way) fronting along their property, at the times designated by the Borough of Greencastle, for collection and removal by an authorized collector therefor for delivery to a recycling center.

DISPOSAL

The incineration, disposition, 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.

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 COMPOSTING FACILITY

A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings. The term does not include a facility that is used entirely or partly for composting grass clippings.

LEAF WASTE

Leaves, garden residues, shrubbery and tree trimmings (less than four inches in length), and similar material, but not including grass clippings.

LICENSED HAULER

A person licensed by the Borough of Greencastle to collect, haul, transport and dispose of municipal waste and recyclables.

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.

MULTIFAMILY HOUSING PROPERTY

A type of residential property either under single-family ownership or organized as a condominium or cooperative form of housing, which contains four 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 Borough of Greencastle, any counties, cities, boroughs, townships and municipal authorities.

MUNICIPAL WASTE

An all-encompassing, most general term meaning 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 farming 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 the Commonwealth of Pennsylvania Solid Waste Management Act; *Editor's Note: See 35 P.S. § 6018.101 et seq.* but excluding recyclables.

NEWSPRINT

Paper of the type commonly referred to as "newspaper" 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 "newsprint" 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 provision 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 Borough of Greencastle.

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 off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resource recovery facilities.

RECYCLABLE COLLECTION PERMITTEE

A person authorized by the Borough, through the issuance of a permit therefor, to collect, transport and dispose of recyclables exclusively (and not municipal waste) for persons other than himself, his immediate

family or persons for whom he is acting as an agent (as defined herein).

RECYCLABLES

Materials designated as recyclables 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, recovery and sale or reuse of recyclables which would otherwise be disposed of or processed as municipal waste (other than through combustion), creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING CENTER

A facility designated 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 a commercial, municipal institution or a community activity. Home occupations incidental to 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 off-site 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 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 off-site, 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 and all solid combustible matter not included in this section under the definition of "garbage."

SOLID WASTE

Waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

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 one year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION

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

TRASH

Commonly used as a term for solid waste, similar to refuse, but not including food waste.

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.

YARD WASTE

Grass clippings, prunings and other discarded materials from yards and gardens.

YARD WASTE COMPOSTING FACILITY

A facility that is used to compost grass clippings, including a facility that is used to compost leaf waste.

§ 162-4. Dumping and littering.

A. It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing, of any solid waste or recyclables upon the surface of the ground or underground within the Borough, 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 solid waste or recyclables in any stream, body of water or on any public right-of-way within the Borough.

B. The presence of any articles containing a person's name among solid waste or recyclables shall create a rebuttable presumption, for purposes of this chapter, that said solid 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.

§ 162-5. Preparation and storage of municipal waste.

A. 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.

B. Any person accumulating or storing municipal waste on private or public property in the Borough for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers which shall be of metal, plastic or fiberglass construction.

§ 162-6. Required collection; hours of collection.

A. All owners of property within the Borough 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.

B. If a person, agent or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum of every 30 days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this chapter.

C. 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 licensed hauler for the regular, scheduled curbside 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 licensed hauler prevent it. No person other than a licensed hauler or an agent shall collect or remove municipal waste from any other person's property.

D. 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 licensed hauler who is to collect such waste. Licensed haulers shall not collect residential municipal waste from properties within the Borough limits on Sunday.

E. Nothing herein shall limit the right of the Borough to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by law.

F. Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste on an irregular and unscheduled basis to a facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection, and which is approved for disposal in the Franklin 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 by this section; and, provided, that such is not in violation of any county or other municipal law or regulation.

§ 162-7. Separation of recyclables.

A. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions and the hauler's guidelines:

(1) Owners and occupants of all residential properties shall keep separate from other waste, but may commingle (mix), the following recyclables: clear glass, colored glass and aluminum, steel, bimetallic cans and tied or bagged newsprint.

(2) 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: clear glass, colored glass, aluminum, steel and bimetallic cans, corrugated paper and high grade office paper and newsprint.

(3) Alternatively the Borough may, by resolution, enumerate alternative recyclables which shall be required to be separated from municipal waste and collected in accordance with this chapter.

B. Corrugated paper and newsprint shall be placed in easy to manage bundles not to exceed 40 pounds and kept dry. Glass containers and aluminum, steel and bimetallic cans shall be emptied. Aluminum, steel and bimetallic cans and glass containers may be mixed together and shall be placed in containers which, when full, shall not exceed 40 pounds. High grade office paper shall be placed in containers not to exceed 40 pounds. Recyclables shall not be placed in the same garbage can or other container as, or otherwise mixed with, municipal waste for collection, removal or disposal. Recyclables shall not be placed in plastic bags or corrugated boxes.

C. Recyclables may be set out for collection in a manner different from the requirements in Subsection B, above, if an alternative manner is designated by the collector and which is approved by the Borough.

§ 162-8. Disposal or placement for removal of recyclables.

A. Residential properties other than multifamily housing.

(1) For residential properties other than multifamily housing projects, all recyclables which are required to be kept separate in residential properties pursuant to § 162-7, above, shall be placed at the appropriate location on the premises to be collected at times designated by the licensed hauler or recyclable collection permittee. The frequency of such collection shall be not less than once per month.

(2) If the recyclables are to be collected by a licensed hauler, then the recyclables shall be set out within the public right-of-way (curb) for collection.

(3) If the recyclables are to be collected by an authorized collector other than a licensed hauler, then the recyclables shall be placed at an area other than within the public right-of-way.

B. Multifamily housing properties.

(1) For multifamily housing properties, all recyclables which are required to be kept separate, in residential properties pursuant to § 162-7, above, shall either be delivered directly to a recycling center or shall be picked up by a recyclable collection permittee or a licensed hauler separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection. The landlord of every multifamily 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 collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such properties.

(2) The collection system shall include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.

(3) Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to multifamily housing properties shall not be liable for the noncompliance of occupants of their building.

C. Commercial, municipal and 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 § 162-7, above, shall either be delivered directly to a recycling center or shall be picked up by a recyclable collection permittee or a licensed hauler separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection.

§ 162-9. Recycling reports.

A. Recycling reports for multifamily housing properties.

(1) The landlord of every multifamily housing property or his agent shall complete a form to be designated "Recycling Report - Multifamily Housing Properties," to be provided by the Borough, which shall indicate where the property's recyclables are delivered.

(2) The 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 Borough. For purposes of submitting such weight slips and recycling reports quarterly to the Borough, the collector who removed the recyclables from the property may be the agent for the landlord and may be responsible for completing and submitting such to the Borough. Each such quarterly report shall be submitted on or before the last 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.

B. Recycling reports for commercial, municipal and institutional establishments and community activities.

(1) Every commercial, municipal and institutional establishment and community activity sponsor shall complete a form to be designated "Recycling Report - Commercial, Municipal and Institutional Establishments and Community Activities," to be provided by the Borough, which shall indicate where the establishment's or activity's recyclables were delivered.

(2) The 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 Borough. For purposes of submitting such weight slips and recycling reports quarterly to the Borough, the collector who removed the recyclables from the property may be the agent for the operator of the establishment or sponsor of the activity and may be responsible for completing and submitting such to the Borough. Each such quarterly recycling report shall be submitted on or before the last day of the first month of each quarter as described in Subsection [A\(2\)](#).

§ 162-10. Collection by unauthorized person.

A. From the time of placement for collection of residentially generated recyclable items for collection in accordance with the terms of this chapter, the items shall be and become the property of the Borough or its authorized agent. It shall be a violation of this chapter for any person unauthorized by the Borough to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation thereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

B. 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.

§ 162-11. Authorization and duties of collectors.

A. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough, to collect and to transport municipal wastes of any nature or recyclables within or from the Borough. Authorization shall be given only as set forth below. Authorization to collect, transport and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent (as defined in this chapter) may be given only by the Borough through the issuance of a "hauler's license" or a "recyclable collection permit." A person who collects recyclables only shall apply for and obtain a recyclable collection permit. A person who collects municipal waste exclusively or in addition to recyclables shall apply

for and obtain a hauler's license.

B. All licensed haulers and recyclable collection permittees shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit, and to service each of their customers in accordance with the requirements of this chapter, any failure of which shall be a violation of this chapter.

C. Collectors of bulky items, trash and rubbish who collect on an unscheduled, sporadic basis (such as "you call, we haul" operators) shall be exempt from these regulations.

D. All application for such licenses or permits shall be evaluated and approved in accordance with the following criteria:

(1) Hauler's license.

(a) Haulers' licenses may be issued to only those persons who can comply with the provisions and intent of this chapter.

(b) Applicants for a hauler's license must furnish the following information on a form to be prescribed and provided therefor by the Borough:

[1] The name, address and telephone number of the hauler making application.

[2] A list of all of the applicant's current customers in the Borough, upon demand made for same by the Borough.

[3] A certificate of the applicant's insurance coverage certifying the maintenance by the applicant of complete third-party comprehensive and liability insurance covering bodily injury and property damage, the limits of which shall be not less than \$300,000/\$500,000 for bodily injury and \$50,000 for property damage.

[4] A valid certificate of the applicant's worker's compensation insurance as required by law.

[5] Any and all additional information which the Borough may request and deem necessary prior to the issuance of a license.

(c) The Borough may deny a hauler's license for any of the following reasons:

[1] If the applicant has previously had a recyclable collection permit or hauler's license revoked or suspended in this Borough or elsewhere.

[2] If the applicant has violated, or is violating any ordinance of the Borough, the Solid Waste Management Act, *Editor's Note: See 35 P.S. § 6018.101 et seq.* the Municipal Waste Planning and Recycling Act, *Editor's Note: See 53 P.S. § 4000.101 et seq.* or any regulations of the Department of Environmental Protection relating to the environment and to solid waste, or has been convicted of any such violation.

[3] If the applicant has any uncollected judgments filed against him resulting from lawsuits filed against him by any customer.

[4] Where, in the Borough or elsewhere, the applicant has failed to fulfill his duties as a municipal waste collector in general, or in particular has failed to pick up municipal waste and recyclables in a workmanlike manner on a regularly scheduled basis.

(d) Haulers' licenses shall be issued on a calendar-year basis, but may be revoked at anytime by the Borough in accordance with the following:

[1] Failure of the licensee to furnish and provide collection and disposal of municipal waste and recyclables in accordance with the terms of this chapter and the conditions under which the license was issued.

[2] Administrative proceedings.

[a] In case of violating or failure to comply with the provisions of this section, the Borough shall give the licensee an opportunity for a hearing thereon. Any licensee so entitled to a hearing shall have 10 days after notice of his right to a hearing is given to him pursuant to this section within which to request such a hearing in writing. Failure of the licensee to so request a hearing shall be deemed to constitute an admission of the violation with which he is charged and which forms the basis of the revocation of his license. In case the licensee does request a hearing in accordance with this section, a hearing shall be scheduled before the Borough Council and the licensee given 10 days' written notice of the time and place of the hearing at which he may appear and answer the charge.

[b] Upon determination that a violation did occur, the Borough may issue a warning or may revoke the license.

[3] The issuance of a hauler's license under this section does not grant a vested right to any collector to a continued right to haul or collect municipal waste and recyclables in the Borough, and the Borough reserves the right to contract for municipal waste and recycling services or to initiate the public collection of municipal waste and/or recyclables.

(e) Conditions relating to hauler's license.

[1] An annual fee shall be paid for a hauler's license in accordance with a schedule of charges established by resolution of the Borough. The license fee shall not be proratable. The fee shall be submitted with each application for a license. Payment shall be made by check only, payable to "Borough of Greencastle."

[2] Signs. Licensees shall have placed on the door or each side of the body of each vehicle the name of the hauler, 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 six inches in height and clearly legible.

[3] The Borough shall have the right to inspect any vehicles owned or leased by the applicant prior to the issuance of a license and during the period the license is in effect.

(2) Recyclable collection permit. No person who is not a "licensed hauler" as defined in this chapter shall collect, transport or dispose of recyclables for any person other than himself or for when he is acting as an agent (as defined in this chapter) unless he has applied for and obtained a valid recyclable collection permit authorizing such activity. Applications for such permit shall be made by submission to the Borough on a form prescribed therefor, completed by the applicant, accompanied by a fee for such permit to be set by resolution of the Borough of Greencastle. Recyclable collection permits shall be obtained annually and issued on a calendar-year basis.

(a) Recyclable collection permits may be issued to only those persons who can comply with the provisions and intent of this chapter.

(b) Applicants for recyclable collection permits must furnish the following information on a form to be prescribed and provided therefor by the Borough:

[1] The name, address and telephone number of the permittee making application.

[2] A list of all of the applicant's current customers in the Borough, upon demand made for same by the Borough.

[3] A certificate of the applicant's insurance coverage certifying the maintenance by the applicant of complete third-party comprehensive and liability insurance covering bodily injury and property damage, the limits of which shall be not less than \$300,000/\$500,000 for bodily injury and \$50,000 for property damage.

[4] A valid certificate of the applicant's worker's compensation insurance as required by law.

[5] Any and all additional information which the Borough may request and deem necessary prior to the issuance of a permit.

(c) The Borough may deny the issuance of a recyclable collection permit for any of the following reasons:

[1] If the applicant has previously had a recyclable collection permit or hauler's license revoked or suspended in this Borough or elsewhere.

[2] If the applicant has violated, or is violating any ordinance of the Borough, the Solid Waste Management Act, *Editor's Note: See 35 P.S. § 6018.101 et seq.* the Municipal Waste Planning, Recycling and Waste Reduction Act, *Editor's Note: See 53 P.S. § 4000.101 et seq.* or any regulations of the Pennsylvania Department of Environmental Protection relating to the environment and to solid waste, or has been convicted of any such violation.

[3] If the applicant has any uncollected judgments filed against him resulting from lawsuits filed against him by any customer.

[4] Where, in the Borough or elsewhere, the applicant has failed to fulfill his duties as a municipal waste collector in general, or in particular has failed to pick up municipal waste and recyclables in a workmanlike manner on a regularly scheduled basis.

(d) Recycling collection permits shall be issued on a calendar-year basis, but may be revoked at any time by the Borough in accordance with the following:

[1] Failure of the permittee to furnish and provide collection and disposal of recyclables in accordance with the terms of this chapter and the conditions under which the permit was issued.

[2] Administrative proceedings.

[a] In case of violating or failure to comply with the provisions of this section, the Borough shall give the permittee an opportunity for a hearing thereon. Any permittee so entitled to a hearing shall have 10 days after notice of his right to a hearing is given to him pursuant to this section within which to request such a hearing in writing. Failure of the permittee to so request a hearing shall be deemed to constitute an admission of the violation with which he is charged and which forms the basis of the revocation of his permit. In case the permittee does request a hearing in accordance with this section, a hearing shall be scheduled before the Borough Council and the permittee given 10 days' written notice of the time and place of the hearing at which he may appear and answer the charge.

[b] Upon determination that a violation did occur, the Borough may issue a warning or may revoke the permit.

[3] The issuance of a recyclable collection permit under this section does not grant a vested right to any collector to a continued right to haul or collect recyclables in the Borough and the Borough reserves the right to contract for recycling services or to initiate the public collection of recyclables.

(e) Conditions relating to recyclable collection permit.

[1] An annual fee shall be paid for a recyclable collection permit in accordance with a schedule of charges established by resolution of the Borough. The permit fee shall not be proratable. The fee shall be submitted with each application for a permit. Payment shall be made by check only, payable to "Borough of Greencastle."

[2] Signs. Permittee shall have placed on the doors or each side of the body of each vehicle the name of the collector, the telephone number of the collector's office or headquarters, and an indication that recyclables are being transported therein. The size of such lettering shall be no less than six inches in height or clearly legible.

[3] The permittee shall pay all costs charged for the use of any recycling facilities which he utilizes.

[4] All recyclable collection permittees shall be required to take all of the recyclable material which they collect from their customers to a recycling center.

§ 162-12. Licensed haulers to provide recyclable removal service.

A. For residential properties. Every hauler, as a precondition to being licensed to do business within the Borough, shall be required to provide to its residential customers the service of removing recyclables from their properties at the curbside (within the public right-of-way). Any such recyclables so removed by licensed haulers shall be kept separate from municipal waste and shall be taken to a recycling center. Licensed haulers shall take all of their customers' recyclable materials to a recycling center.

B. For commercial, municipal and institutional establishments and properties. Every hauler, as a precondition to being licensed to do business within the Borough, 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 licensed haulers shall be kept separate from municipal waste and shall be taken to a recycling center. Licensed haulers shall take all of their customers' recyclable material to a recycling center.

§ 162-13. Licensed haulers not to accept unlawfully disposed of recyclables.

A. No licensed 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.

B. 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 Borough), retain a duplicate for his records, and deliver a triplicate to the designated office of the Borough 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 reason which led him to know or believe the container contained recyclables (e.g., he saw newspaper or he heard bottles rattling). The hauler shall leave such container with the tag or sticker placed thereon where he found it.

§ 162-14. Licensed haulers to provide bulky items removal service.

All licensed haulers doing business within the Borough shall make available to their customers the service of removal of "bulky items" not less frequently than once per year in the month of May or October.

§ 162-15. Community-oriented charitable activities.

A. Nothing contained herein shall impair or prohibit any recognized religious, civil, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized collector. Prior to initiating such activity the organization shall obtain authorization from the Borough.

B. Nothing herein shall be deemed to prohibit any person from donating or selling any recyclables to individuals or organizations unless or until such recyclables are placed at curbside or similar location for collection by an authorized collector.

§ 162-16. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 and costs of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than 10 days nor more than 30 days; provided, each violation of any provision of this chapter and each day the same is continued shall be deemed a separate offense. For purposes of this section, the doing of any act or thing prohibited by any violation of this chapter, or the failure to do any act or thing as to which any provision of this chapter creates an affirmative duty, shall constitute a violation of this chapter, punishable as herein stated.

§ 162-17. Construal of provisions.

The various headings used throughout this chapter are intended only as an aid in its organization, in order to facilitate ease of reading and are not to be considered a substantive part of this chapter. In this chapter, unless the context clearly indicates otherwise, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and neuter.

[\[Prev\]](#)
[Search](#)
[Terms of Service](#)

[\[Up\]](#)
[\[Contents\]](#)
[F.A.Q.](#)

[\[Next\]](#)
[Index](#)
[Privacy Policy](#)
