

02019-2 6/19/19

MONROE COUNTY MUNICIPAL WASTE MANAGEMENT ORDINANCE

AMENDED

AN ORDINANCE OF MONROE COUNTY, PENNSYLVANIA, REGULATING THE  
COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL  
WASTE AS SET FORTH IN THE MONROE COUNTY MUNICIPAL WASTE  
MANAGEMENT PLAN

Whereas, Act 101 was enacted on July 28, 1988 giving the County of Monroe the primary responsibility for planning for municipal waste management within its borders, and requiring the County to prepare, obtain approval, and implement a municipal waste management plan that provides for the processing and disposal of the municipal waste generated within its boundaries for at least 10 years; and

Whereas, Section 303(d) of Act 101 authorizes the County to enter into an agreement with another person or entity, including a municipal authority, authorizing said person or entity to undertake to fulfill the County's responsibilities under Act 101 for municipal waste planning and implementation of an approved county municipal waste management plan; and

Whereas, the Board of Commissioners of Monroe County has entered into such an agreement designating the Monroe County Municipal Waste Management Authority Pursuant to the Pennsylvania Municipality Authorities Act, Title 53, Chapter 56, as the agency to prepare and implement the Monroe County Municipal Waste Management Plan (the "Plan"); and

Whereas, the County has adopted the Plan prepared by the Monroe County Municipal Waste Management Authority, and the Pennsylvania Department of Environmental Protection ("Pa DEP") has reviewed and approved said Plan and its amendments; and

Whereas, Section 303(c) of Act 101 authorizes counties to adopt ordinances, resolutions, regulations and standards for the storage, collection, transportation, processing and disposal of municipal solid waste including, but not limited to, the registering of municipal waste haulers and the designation of permitted processing or disposal facilities and requiring that all persons transporting municipal waste generated in Monroe County transport that waste only to a municipal waste processing facility permitted by the DEP and designated by the County;

Now, therefore, it is hereby enacted by the County of Monroe as follows:

## ARTICLE I

### TITLE, STATUTORY AUTHORITY and PURPOSE

This ordinance shall be known as, and may be cited as, the Monroe County Municipal Waste Management Ordinance.

#### *1.01 STATUTORY AUTHORITY*

This ordinance is adopted pursuant to the authority of the Municipal Waste Planning, Recycling and Waste Reduction Act, an act of July 28, 1988, P.L. 556, No. 101, as amended at 53 P.S. Section 4000.101, et seq., and applicable provisions of the County Code, Act of August 9, 1955, P.L. 323, 16 P.S. Section 101, et seq.

#### *1.02 PURPOSE*

The County of Monroe has determined that this Ordinance should be adopted in order to protect the public's health, safety and welfare as well as the environment from the dangers associated with the transportation, processing, treatment, storage, and disposal of Municipal Waste and to:

- a) Preserve and protect our air, land and water resources.
- b) Preserve, secure and guarantee sufficient Landfill Airspace for Monroe County Municipal Solid Waste.
- c) Assure that all individuals are informed and responsible for their actions regarding Municipal Solid Waste that may affect the environment and the community now and in the future.
- d) Implement an Integrated Waste Management System that will promote the use and reuse of materials in municipal solid waste that would otherwise be disposed of in ways that would not recapture the useful characteristics of its components.
- e) Provide for an orderly implementation of an integrated municipal waste management practice and service to ensure that waste management services are consistent with Federal, State and County Plans and regulations.
- f) To enable the Monroe County Municipal Waste Management Authority to enforce the terms and conditions of the Monroe County Municipal Waste Management Ordinance.

## ARTICLE II DEFINITIONS

### *2.01 DEFINITIONS*

When used in this Ordinance the following terms shall have the following meaning given to them:

*Acceptable Waste* - Includes Municipal Waste, Construction/Demolition Waste, Sludge not meeting the definition herein of Residual Waste or Hazardous Waste, from a municipal, commercial, institutional water supply treatment plant, waste water treatment plant or air pollution control facility, and all other wastes that the Contracted Disposal Facility is permitted to accept under applicable laws and regulations. Acceptable waste includes waste usually collected and disposed of as part of the normal municipal collection of

waste, including garbage, refuse, industrial lunchroom or office waste from residential, municipal, commercial and institutional establishments.

*Access Permit Registration* - the process of registering with the Waste Authority for an access permit issued to all persons engaging in the collection of Monroe County Municipal Solid Waste in order to gain entry and use of acquired Landfill Airspace Volume at a County Designated Disposal Facility.

- (a) A person who collects, stores, or transports regulated waste; or
- (b) A vehicle or container to be used for collection, storage, or transportation of regulated waste.

*Act 97* - The Solid Waste Management Act (1980)

*Act 101* - The Municipal Waste Planning Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.

*Act 108* - The Covered Device Recycling Act (CDRA, House Bill 708), Act 108 of 2010.

*Agent* - One who performs an act for or on behalf of Municipal Waste Hauler, Collector, Facility or Person.

*Authority* - The term "Authority" or "The Waste Authority" shall refer to the Monroe County Municipal Waste Management Authority, a public body corporate and politic of the Commonwealth of Pennsylvania established by the Monroe County Board of Commissioners, in accordance with the provisions of the Pennsylvania Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

*Authority Police Officers* - A Police Officer in the accordance with the Municipality Authorities Act s5607 (d), by having the same rights as other peace officers in the

Commonwealth, acting within the geographical boundaries of the County of Monroe and enforcing the Monroe County Municipal Waste Management Ordinance and the Monroe County Municipal Waste Management Authority Rules and Regulations. Police Officers are appointed by the Authority, sworn in by a Magisterial District Judge as long as having successfully completed the Pennsylvania State Lethal Weapon Training Act 235.

*Authority Rules and Regulations* - The rules and regulations which shall be adopted by Resolution by majority vote of the Board of Directors of the Monroe County Municipal Waste Management Authority.

*Beneficial Use* - Use or reuse of residual waste or residual material derived from residual waste for commercial, industrial, or governmental purposes, where the use does not harm or threaten public health, safety, welfare or the environment, or the use or reuse of processed municipal waste for any purpose where the use does not harm or threaten public health, safety, welfare or the environment.

*Bulky Items* - Discarded "White Goods" (major appliances), "Brown Goods, televisions, mattresses, furniture and similar household items.

*Commercial Establishment* -An establishment engaged in business, retail, manufacturing or processing, including but not limited to, stores, markets, office, buildings, restaurants, shopping centers and theaters.

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

*Computer Manufacturer* - A person:

- (a) Who manufactures covered computer devices to be sold under its own

brand as identified by its own label;

- (b) Who sells covered computer devices manufactured by others under its own brand as identified by its own brand label; or
- (c) Who assumes the duties imposed on the computer manufactures under Act 108. The term does not include a person who manufactures only peripheral computer devices.

*Construction and Demolition Waste* - solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to wood, plaster, metals, asphalt, substances, brick, block and unsegregated concrete.

*Container* - A portable device (e.g, can, roll-off, dumpster, compactor) in which solid waste or recyclable items, which shall not be commingled, are held for storage or transportation in a secure manner as to prevent litter.

*Contracted Disposal Facility* - The individual, firm, partnership, joint venture, authority, corporation, or association selling airspace volume and providing disposal services under contract with the Authority.

*County* - The County of Monroe, Commonwealth of Pennsylvania.

*County Permitted Waste Hauler* - Any regulated waste collector or hauler registered with the Waste Authority to obtain an access permit that is to be used for entry into and permission to use acquired Landfill Airspace Volume in an approved designated waste disposal facility.

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

*Dumping* - includes, but is not limited to depositing litter, depositing durable goods (Refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires and other such municipal waste, hazardous waste, residual waste and construction and/or demolition debris on any public or private property including that of a homeowner's private property within the geographical boundaries of Monroe County.

*Disposal* - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or discharged to the waters of this Commonwealth.

*Electronics* - Refer to the Covered Device Recycling Act (CDRA) Act 108 of 2010.

*Facility* - Land, structures and other appurtenances or improvements where municipal waste disposal, processing, consolidation, transfer or beneficial use is permitted or takes place.

*Hazardous Waste* - Waste which, by reason of its composition or characteristic, is toxic or hazardous waste as defined in the Resource Conservation and Recovery Act (RCRA) of 1976, Subtitle C, 42 USC Section 6901, et seq., or the regulations issued thereunder, or the Pennsylvania Solid Waste Management Act (Act 97) or the regulations issued thereunder; and hazardous substances as defined in the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or any analogous federal, state or local law, all the foregoing as now in effect or as may hereafter be amended.

*Household Hazardous Waste* - is waste generated by a household that could be

chemically or physically classified as a hazardous waste.

*Integrated Waste Management System* - A comprehensive waste prevention, recycling, composting and disposal program.

*Institutional Establishment* -An establishment or facility engaged in service, including, but not limited to hospitals, nursing homes, schools, and universities.

*Landfill Airspace Volume*- Landfill capacity at a contracted Disposal Facility reserved by the way of purchase of an irrevocable access permit to use airspace volume for the disposal of municipal waste generated in Monroe County, Pennsylvania through negotiated contract.

*Leaf Waste or Yard Waste* - Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

*Litter* - includes but is not limited to all waste material, garbage, municipal waste, damaged and deteriorated furniture or motor vehicle parts, trash, grass clippings, trimmings, dirt, or other substances of any nature, which, if thrown, scattered, or deposited as herein prohibited, tend to injuriously affect health, safety and welfare or tend to have a detrimental or unsightly impact on the environment.

*Minor* - Any person under the age of eighteen (18) years.

*Municipality* - A City, Borough, Incorporated Town, Township, County or an Authority created by any of the foregoing.

*Municipal Recycling Program* - A source separation and collection program for



recycling municipal waste or source separated recyclable material, or a program for designated drop-off points or collection centers for recycling municipal waste or source separated recyclable materials, which is operated by or on behalf of a municipality, Authority or County. The term includes a source separation and collection program for composting yard waste that is operated by or on behalf of a municipality, Authority or County. The term does not include a program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

*Municipal Waste or Municipal Solid Waste (MSW)* - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

*Municipal Waste Landfill* - A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/Demolition waste landfill or facility for the land application of sewage sludge.

*Operator* - A person or municipality that operates a MSW processing or disposal facility.

*Person* - Any individual, partnership, corporation, association, institution, cooperative, enterprise, municipality, Municipal Authority, Federal Government or Agency, State Institution and Agency, including, but not limited to, the Department of General Services, and the State Public School Buildings Authority-or another legal entity which is recognized by law as the subject of rights and duties. In connection with any provision of this Ordinance, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

*Plan* - The Monroe County Municipal Waste Management Plan, as now or hereinafter amended.

*Private Property* - Any land and the improvements thereon owned by any person and includes front, side, rear yards; vacant lots, buildings, structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yards, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

*Processing*- Technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of the waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, material recovery facilities and resource recovery facilities.

*Property of the Authority* - Referred to as regulated Municipal Solid Waste generated within the geographical boundaries of Monroe County for the purpose of regulating the proper storage, transportation and disposal of municipal solid waste stored and set out for collection by a registered waste hauler.

*Public Right of Way* - The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement including curb and gutter areas.

*Recyclables* - Materials designated as recyclable by Monroe County Municipal Waste Management Authority or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled.

*Recycling* - The collection, separation, recovery and sale or reuse of materials which would otherwise be disposed of or processed as municipal waste.

*Regulated Waste* - Municipal solid waste, including construction/demolition waste, sewage sludge, septage and recycling generated within the County and regulated by this Ordinance and the Waste Authority Rules and Regulations.

*Remaining Permitted Capacity* - The weight or volume of municipal waste that can be disposed at a permitted municipal waste disposal or processing facility. The term shall only include the weight or volume capacity for which the Department or other designated regulatory agency has issued a municipal waste disposal facility operating permit.

*Residential Dwelling* - Shall mean; a dwelling containing four living units or less. Buildings containing more than four living units are a commercial dwelling.

*Residual Waste* - Any Garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining and agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous waste.

*Scavenging* - The unauthorized removal of any material stored or placed at a point for subsequent collection or from any Authority facility drop off recycling center.

*Septage* - The liquid and semi-solid material pumped from septic tanks, holding tanks and portable toilets provided that the septage does not meet the definition of Residual or Hazardous Waste.

*Sewage Sludge* - Liquid or solid sludge or other residues from a municipal sewage collection and treatment system: liquid or solid sludge and other residues from septic and holding tank pumping from commercial, institutional or residential establishments. The term includes material derived from sewage sludge. The term does not include Ash generated from the firing of sewage sludge in a sewage incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings and non-organic objects from septic and holding tank pumping.

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

*Source Separated Recyclable Material* - Materials that are separated from municipal waste at the point of origin for the purpose of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, plastics and other marketable grades of paper.

*Storage* - The containment of any waste on a temporary basis in such a manner as to not constitute disposal of waste in a manner such as a public nuisance

*System* - The overall Integrated Waste Management System and every aspect thereof, owned or operated or utilized by or on behalf of Monroe County Municipal Waste Management Authority in implementation of the Plan including without limitation, equipment, vehicles, offices, staff, transfer stations, recycling facility's, landfills and the like.

*Television Manufacturer* - A person who:

- (a) Manufactures covered television devices to be sold under its own brand as identified by its own brand label or being sold under a brand it is registered to use;
- (b) Sells covered television devices manufactured by others under its own brand as identified by its own label; or
- (c) Assumes the duties imposed on a television manufacturer under this act.

*The Waste Authority* - The Monroe County Municipal Waste Management Authority, a public body corporate and politic of the Commonwealth of Pennsylvania established by the Monroe County Board of Commissioners, in accordance with the provisions of the Pennsylvania Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

*Tipping Fee* - The schedule of fees established for the operation of the Integrated Waste Management System by the Waste Authority. The tipping fee will be established annually by the Authority as part of the budget process.

*Transfer Station/Facility* - A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

*Transportation* - The off-site removal of any regulated waste at any time after

generation.

*Waste* - A material whose original purpose has been completed and which is directed to a disposal, processing or beneficial use or is otherwise disposed of, processed or beneficially used. The term does not include source separated recyclable materials.

*Waste Authority Recycling Receptacles* - Recycling receptacles placed in designated areas throughout the County by the Authority for the specific purpose of collecting designated recyclable materials.

*Waste Hauler, Hauler or Waste Collector* - Any person, firm, partnership or corporation who is engaged in the business of collecting and/or transporting regulated waste, or an enterprise that, as a result of its business, generated and disposes of regulated waste, or a business, municipal or public agency which is engaged in the collection and/or transportation of regulated waste or source separated recyclables.

*Other Word and Phrases* - All other words and phrases shall have the same meanings as set forth as in Act 101 and/or the Pennsylvania Waste Management Act, Act of July 7, 1980, No. 97, Pa. Stat. Title 35, Section 501 8.101 et seq, as amended.

### ARTICLE III

#### RULES AND REGULATIONS & REPORTING REQUIREMENTS

##### *3.01 IMPLEMENTATION*

The Monroe County Municipal Waste Management Authority shall have the power and the duty to implement the provisions of the Plan, and to enforce this Ordinance, as set forth in the Municipal Waste Management Agreement between Monroe County and the Monroe County Municipal Waste Management Authority.

### *3.02 RULES AND REGULATIONS*

In order to carry out the duty to implement the Plan and this Ordinance the Waste Authority shall adopt and enforce Rules and Regulations. The Waste Authority shall have the power in its discretion to amend the Rules and Regulations by formal resolution of the Waste Authority Board of Directors so long as the amendments are consistent with this Ordinance, the Plan, Acts 97 and 101, or any statute or ordinance of the Federal or State government, or the County. The Waste Authority Rules and Regulations shall, at a minimum:

- (a) Specify requirements as are deemed necessary for the protection of public health safety and welfare and the efficient, effective, reliable and safe operation of the Waste Authority facilities and the Integrated Waste Management System;
- (b) Govern the issuance and administration of access permits, records and reporting requirements, access permit display requirements, equipment and vehicle requirements and any other matters deemed necessary or convenient by the Waste Authority for the protection of public health and safety and the efficient, effective, reliable and safe operation of the Waste Authority facilities and the Integrated Waste Management System.
- (c) Set all fees for the operation of its recycling collection system and the Integrated Waste Management System. Fees shall be reasonable and uniform, as provided for under the Municipality Authorities Act Title 53 Chapter 56.

### *3.03 REPORTING REQUIREMENTS*

The purpose of these reporting requirements shall be to ensure that all regulated waste generated within the geographical boundaries of Monroe County are all handled, stored, transported and disposed of in accordance with all Federal, State and local laws, including

this Ordinance and the Waste Authority's Rules and Regulations to ensure the health, safety and welfare of the general public, to protect each Municipality, waste haulers and the commercial and industrial municipal waste generators within Monroe County. Failure to provide this information shall be considered a violation of this Ordinance.

(a) All Regulated Waste Haulers shall submit to Monroe County Municipal Waste Management Authority any reports, records and manifests required by this Ordinance or the Waste Authority Rules and Regulations.

(b) All persons engaging in the collection of recyclable material, including fabric and fiber recyclers, must report on a monthly basis to each municipality in which the material was collected, the quantity and type of recyclable material collected.

(c) All persons engaging in the storage, collection, transportation and disposal of Municipal Solid Waste or Source Separated Recyclables originating within the geographical boundaries of Monroe County, shall provide and present upon request of the Waste Authority, weigh slips, manifests, drivers log or any other documentation of collections made for the required date(s) requested.

#### ARTICLE IV

#### WASTE REDUCTION AND RECYCLING

##### *4.01 WASTE REDUCTION*

The purpose of this section is to reduce the volume of municipal waste requiring disposal by source separating recyclables and yard waste from the municipal waste stream, and diverting the separated material for proper recycling or beneficial reuse, to conserve natural resources and meet state disposal facility bans and state-mandated recycling goals. This section also requires the delivery of yard waste, electronics and source separated recycling



materials to facilities other than county designated disposal facilities.

#### *4.02 PROHIBITION FROM DISPOSAL*

Yard waste, electronics and mandated recyclables shall not be placed in or commingled with other municipal solid waste. Once source separated, recyclable materials are prohibited from being mixed with municipal waste and delivered to a county designated municipal waste disposal facility.

#### *4.03 Recycling*

The recycling requirement of this Ordinance represents the minimum responsibility of municipal waste generators and does not limit the type and quantity of Recyclable Materials accepted by Recycling Facilities and Haulers. Anybody that generates municipal solid waste is encouraged to recycle additional items to achieve and surpass the States recycling goals. The minimum materials mandated to be recycled are as follows: corrugated cardboard, office and mixed paper, newsprint, steel cans, aluminum cans, clear and mixed glass, plastics HDPE & PET #1 & #2.

- (a) **Residential Recycling:** All Generators of municipal waste in residential buildings must segregate and deliver recyclable materials to a recycling facility, and/or deliver recyclable materials to a Waste Authority recycling drop off center, and/or placed at the curb for a registered waste hauler or recycling collector under contract by the resident or the municipality. Residential Recycling must be in accordance with and enforced by local municipal ordinance.
- (b) **Non-Residential, Commercial and Institutional Recycling:** All persons, owners, operators, managers or lessees of Non-Residential, Commercial and Institutional properties must provide central collection for separation, collection and delivery of the following recyclable materials, at a minimum, generated on their premises: corrugated cardboard, office paper, mixed plastics, bi-metal

containers and glass.

- (c) **Ownership of Recyclable Material:** All Recyclable Material aggregated and offered for collection shall remain the property and responsibility of the generator until collected by a registered hauler or self-hauled to a recycling facility or County Recycling Drop-Off Center, at which time they shall become the property of the registered Hauler, Recycling Facility or County Recycling Drop-Off Center, respectively. No person, other than the Generator, designated Hauler or the Monroe County Municipal Waste Management Authority shall take said materials after aggregated for collection.

## ARTICLE V

### MUNICIPAL WASTE STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL

#### *5.01 PROPER HANDLING OF MUNICIPAL WASTE*

This section governs the proper storage, collection, transportation and processing of municipal waste generated within the borders of Monroe County in order to ensure the health, safety and welfare of the general public, protect municipalities, protect the environment, and protect the registered waste haulers and the business and industrial solid waste generators of the County. This section also governs the control and prevention of litter.

- (a) **Storage of Municipal Waste:** Every owner and/or occupant of any residential property, commercial business, or industry shall maintain their open areas including, but not limited to, storm water collection systems free of waste accumulations. Municipal Waste shall be temporarily stored in a manner to prevent litter, unsanitary conditions, odor, water pollution and any other public nuisance problems.
- (b) **Municipal Waste Storage Containers:** While solid waste is being stored and

accumulated for collection in any can(s), dumpster(s), container(s), compactor(s) and roll-off(s), it shall be stored in a tightly fitted lid covered container, which shall be leak proof, watertight and rodent proof with properly functioning doors, lids or tarp to prevent litter and loss of solid waste. Source Separated Recyclable Materials shall not be combined or commingled with Municipal Waste. Storage Containers for source separated recyclables must be secured using the same method or methods as with municipal waste containers.

- (c) Length of Municipal Waste Storage: Municipal Waste may be stored on a temporary basis in accordance with normal municipal collection time frame, but for no longer than two weeks at a time. Waste Haulers may store municipal waste collected for transportation to a designated county facility for no longer than forty-eight (48) hours except when permitted by DEP regulation.
- (d) Collection: Every residential, commercial or institutional property in Monroe County, shall engage a registered Waste Hauler for the Collection of Municipal Waste. Residents may transport municipal waste to a permitted municipal waste processing and collection facility (municipally operated transfer station) for the proper transportation to a county designated facility. Municipal Waste taken to a permitted Municipal Waste processing and collection facility must be self-transported and may not be hauled by a registered Waste Hauler unless otherwise approved by DEP Regulations and included in the Monroe County Municipal Waste Management Plan.

#### ***5.02 TRANSPORTATION AND DISPOSAL OF MUNICIPIAL WASTE***

A person who collects, transports and disposes of Municipal Waste from residential, commercial or institutional properties within the geographical boundaries of Monroe County must do so in a safe and sanitary manner as to prevent litter and any danger to the environment and ensure the health, safety and welfare of the general public.

- (a) Any transporter of municipal solid waste must register with the Authority for the purpose of gaining access to the Waste Authority's designated municipal waste disposal facilities.
- (b) Any transporter of municipal waste must operate in accordance with the Waste Authority's Rules and Regulations including but not limited to the providing of insurance to protect the citizens of Monroe County.
- (c) Any transporter of municipal solid waste generated in Monroe County must annually register to receive and display an access permit for each vehicle and trailer used to dispose of municipal solid waste. In addition, all containers, compactors, dumpsters/roll-offs ten (10) cubic yards or more used to transport Municipal Waste generated in Monroe County must also display an access permit.
- (d) Any transporter of municipal solid waste shall secure all loads as to not allow contents to fall, leak, spill or cause the scattering of litter.
- (e) Any transporter of municipal solid waste shall transport and dispose of any and all waste collected within the borders of Monroe County to a county designated municipal waste disposal facility.
- (f) All persons engaging in the collection, transportation and disposal of regulated municipal solid waste from more than one County, and mixing such waste with municipal solid waste collected from Monroe County, must be able to identify the quantity of mixed loads collected in Monroe County at the time of disposal at a Monroe County designated disposal facility. If the hauler is unable to quantify the amount of waste in the mixed load generated in Monroe County, the hauler shall be prohibited from collecting and mixing Monroe County municipal solid waste with waste collected from other counties.
- (g) Any municipal waste hauler collecting municipal solid waste in more than one county, and municipal solid waste with waste collected in Monroe County, must dispose of the municipal solid waste at a facility designated in the county plan

that accepts multi-county municipal solid waste for disposal. It shall be the municipal waste hauler's responsibility to ensure the proper disposal of municipal solid waste is in compliance with each County's municipal waste plan and ordinance.

## ARTICLE VI UNLAWFUL ACTIVITIES

### *6.01 UNLAWFUL ACTIVITIES*

Any activities listed in Article VI Unlawful Activities are violations of this Ordinance and punishable as contained herein.

### *6.02 WASTE COLLECTOR'S REGISTRATION AND ACCESS PERMIT*

It shall be unlawful to collect and/or transport Regulated Municipal Waste without registering with the Waste Authority and obtaining a valid access permit issued by the Waste Authority to enter a county designated disposal facility as set forth in this Ordinance and Waste Authority Rules and Regulations.

### *6.03 PROCESSING or DISPOSAL FACILITY REQUIREMENT*

It shall be unlawful to process and/or dispose of Regulated Waste generated in Monroe County, or to receive for processing and/or disposal Regulated Waste generated in Monroe County at processing or disposal facility not designated as an approved designated facility in the Monroe County Municipal Waste Management Plan.

### *6.04 VEHICLE ACCESS PERMIT DISPLAY*

It shall be unlawful for any person to use, cause, allow and/or assist in the use of any vehicle or transportable container for collection, storage, and or transportation within the County of any regulated municipal waste unless such vehicle or transportable container

displays an access permit as required by the Waste Authority Rules and Regulations.

#### *6.05 INTEGRATED WASTE MANAGEMENT SYSTEM TIP FEE*

It shall be unlawful to fail and/or refuse to pay the tipping fees charged by the Waste Authority for the use of the Integrated Waste Management System as set forth in this Ordinance and Rules and Regulations.

#### *6.06 IMPROPER TRANSPORTATION*

It shall be unlawful for any person:

- (a) to collect or transport regulated municipal waste or source separated recyclable materials generated within Monroe County in such a way as to violate any requirements, Rules and Regulations, Ordinances, State or Federal Law.
- (b) to collect or transport regulated municipal waste generated in Monroe County in any vehicle or any trailer or container in a manner that allows the contents to fall, leak, spill or cause the scattering of litter.

#### *6.07 IMPROPER DISPOSAL*

The Waste Authority has implemented an Integrated Solid Waste Management System that includes readily accessible solid waste disposal services. Such services are available county wide through a system of registered private and municipal haulers having access to designated disposal facilities that are under contract and included in the Monroe County Municipal Waste Management Plan.

- (a) No person shall dump, throw, or in any other manner allow the deposit or disposal of municipal waste or recyclable materials upon or in any roadway, waterway, body of water, public or private property, street, highway, and alley or railroad right of way.

- (b) No owner or operator, or an agent of either, of a municipal waste or recyclable collection vehicle, including private automobiles and small trucks, or any other type of vehicles used to collect or transport municipal waste shall knowingly cause to be deposited or deposit the vehicle's load or any part thereof upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this county.
- (c) No person shall deposit litter or durable goods which shall include but not limited to refrigerators, washers, dryers, etc. small appliances, furniture, carpets, tires and other such municipal waste, hazardous waste, household hazardous waste, residual or industrial waste and construction or demolition debris on public or private property.
- (d) No person shall use any unapproved method of disposal of any municipal waste, recyclable material, hazardous waste, household hazardous waste, residual or industrial waste, construction and demolition debris that is generated from a resident's household, commercial or industrial establishment.
- (e) No person shall place or cause to be placed any litter, municipal waste or any other item not specifically allowed in or around the Waste Authority's Municipal Recycling Collection drop off containers. The Waste Authority recycling containers shall be used for source separated recyclables as identified in this ordinance and the Waste Authority's Rules and Regulations.
- (f) Public Nuisance-It shall be unlawful for any person to violate, cause or allow and/or to assist in the violation of any provision of this Ordinance or any provisions of the Waste Authority Rules and Regulations. All such unlawful conduct shall also constitute as a public nuisance.
- (g) If any municipal waste disposed of in violation of this Ordinance and the Waste Authority Rules and Regulations can be identified as having last belonged to, been in possession of, sent to or received by or to have been the property of any person prior to being disposed of, such identification shall be presumed

prime facie evidence that such person disposed of or caused to be disposed of such municipal waste in this Ordinance.

- (h) Complaints- Any person may report violations of this Ordinance by filing a complaint with any Officer of the Waste Authority Police Department or any Police Department in a form required by that department.

## ARTICLE VII ENFORCEMENT AND PENALTIES

### *7.01 ENFORCEMENT*

For purposes of enforcing the provisions of this Article, notice of violation shall be issued by police and/or public officers authorized by the Commonwealth of Pennsylvania and or the Monroe County Municipal Waste Management Authority to enforce the ordinance in the form required by the designated authority. Whenever a police and or public officer, or other eyewitness, observes either in person or by means of recorded image, or evidence is obtained consistent with the rebuttable presumption set forth in Section 6.07G of this Ordinance, a violation of this Article, the police and or public officer shall serve a citation. A citation for a violation shall be served upon a violator by handing it to the person to be served, by handing the citation at the residence of the person to be served to an adult member of the household or other person in charge of the residence, or by first class mail, return receipt requested.

### *7.02 PENALTY*

Any person violating any provision of Articles I through VII of the Monroe County Municipal Waste Management Ordinance and or the Monroe County Municipal Waste Management Rules and Regulations, may, upon conviction in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$1,000 and costs, sentenced up thirty hours of community service picking litter or illegally dumped trash, undergo imprisonment for not



more than ten days, or any combination thereof. Any violation of this Ordinance or a violation of the Monroe County Municipal Waste Management Authority Rules and Regulations shall consist of a separate violation and offense for each and every day the violation exists.

#### ***7.03 INJUNCTIVE RELIEF***

In addition to any other remedy provided in this Ordinance, the County or the Monroe County Municipal Waste Management Authority may jointly or severally institute proceedings to restrain any violation of, or to require compliance with this Ordinance, the Plan, and/or the Monroe County Municipal Waste Management Rules and Regulations.

#### ***7.04 CONCURRENT REMEDIES***

The penalties and remedies set forth in this Ordinance are in addition to, not in lieu of, any fines, penalties or remedies in the Monroe County Municipal Waste Management Rules and Regulations or the Pennsylvania Crimes Code. The existence or exercise of any remedy shall not prevent the County or Monroe County Municipal Waste Management from exercising any other remedy.

#### ***7.05 ENFORCEMENT AND PROSECUTION***

Monroe County Municipal Waste Management Authority shall administer and enforce on behalf of the County and on its own behalf the provisions of this Ordinance and the provisions of the Monroe County Municipal Waste Management Authority Rules and Regulations. The County of Monroe may, if the Waste Authority shall be unable or unwilling to carry forth its obligations under this provision, administer and enforce the provisions of this Ordinance.

### **ARTICLE VIII**

#### **MISCELLANEOUS PROVISIONS**

**8.01 SEVERABILITY**

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance.

**8.02 REPEAL OF ALL PRIOR ORDINANCES**

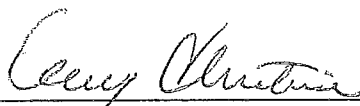
Any prior Monroe County Municipal Waste Management Ordinances are hereby repealed and replaced with this Ordinance.

**8.03 EFFECTIVE DATE**

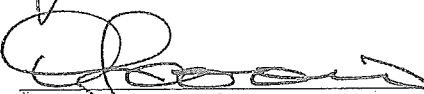
This Ordinance shall become effective five (5) days after enactment.

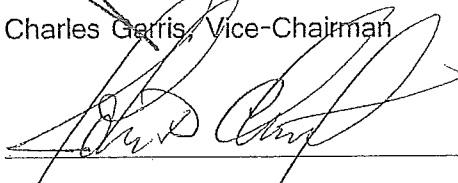
The AMENDED Monroe County Municipal Waste Management Ordinance has been enacted and ordained this 19 day of June, 2019.

MONROE COUNTY BOARD OF COMMISSIONERS

  
ATTEST

  
John Moyer, Chairman

  
Charles Gerris, Vice-Chairman

  
John D. Christy, Commissioner