

ARTICLE I  
**Garbage Collection and Disposal**

**§ 134-1. Title.**

This article shall be known and referred to as the "Solid Waste Ordinance."

**§ 134-2. Definitions and word usage.**

- A. The following words and phrases as used in this article shall have the meanings ascribed herein, unless the context clearly indicates a different meaning:

ACT or ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).<sup>1</sup>

AGRICULTURAL WASTE — Poultry and livestock manure or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forest or other agricultural lands.

BULKY WASTE — Large items of solid waste, including but not limited to furniture or appliances, household furnishings, or other household items which may require special handling due to their size, shape or weight. Bulky waste shall not include auto parts of any kind. **[Amended 11-3-2009 by Ord. No. 1226, approved 11-3-2009]**

COMMERCIAL ESTABLISHMENT — Any establishment engaged in nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

CONSTRUCTION AND DEMOLITION WASTE — All municipal and residual waste, building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

DEPARTMENT — The Pennsylvania Department of Environmental Protection.

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1. Editor's Note: See 35 P.S. § 6018.101 et seq.

DISPOSE or DISPOSAL — The incineration, 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 wastes enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DOMESTIC WASTE or HOUSEHOLD WASTE — Solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

GARBAGE — Any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

HAULER or PRIVATE COLLECTOR — Any person, firm, copartnership, association or corporation who or which has been licensed as required by law to collect, transport and dispose of refuse for a fee as herein prescribed.

HAZARDOUS WASTE — Any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT — Any establishment or facility engaged in service, including but not limited to hospitals, nursing homes, orphanages, day-care centers, schools and universities.

MULTIFAMILY HOUSING PROPERTIES — Any multifamily dwelling structure having more than four dwelling units per structure where all the dwelling units are not owned in fee simple by individual owners.

MUNICIPALITY — The Borough of East Stroudsburg, Monroe County, Pennsylvania.

MUNICIPAL WASTE — Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid

or contained gaseous materials 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 Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

**PERSON** — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this article 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.

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

**REFUSE** — All solid waste materials which are discarded as useless.

**RESIDENCES** — Any single- or multifamily dwelling structure having no more than four dwelling units per structure, or any multifamily dwelling structure where all the dwelling units are owned in fee simple by individual owners, for which the municipality provides municipal waste collection and disposal service.

**RESIDUAL WASTE** — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act.<sup>2</sup> Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law.<sup>3</sup>

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2. **Editor's Note: See 52 P.S. § 30.51 et seq.**

3. **Editor's Note: See 35 P.S. § 691.1 et seq.**

**RUBBISH** — All nonputrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper and wood.

**SCAVENGING** — The unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

**SEWAGE TREATMENT RESIDUES** — Any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumping from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

**SOLID WASTE** — Any waste, including but not limited to municipal, residual, yard waste or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

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

**TRANSFER STATION** — Any supplemental transportation facility used as an adjunct to solid waste collection vehicles.

**TRANSPORTATION** — The off-site removal of any solid waste at any time after generation.

**YARD WASTE** — Noncomposted tree trimmings, leaves, branches, shrubs, grass clippings and other products or by-products of vegetative growth.

- B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

### **§ 134-3. Prohibited activities.**

- A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the municipality any garbage, rubbish, bulky waste or any other municipal or residual solid waste, except in accordance with the provisions of this article and any department rules and regulations adopted pursuant to Act 97.
- B. It shall be unlawful for any person to burn any solid waste within the municipality except in accordance with the provisions of Chapter 71 of the East Stroudsburg Code and any department rules and regulations adopted pursuant to Act 97.

- C. It shall be unlawful for any person to dispose of any solid waste in the municipality except in accordance with the provisions of this article and any department rules and regulations adopted pursuant to Act 97.
- D. It shall be unlawful for any person to haul, transport, collect or remove any solid waste from public or private property within the municipality without first securing a license as required by law.
- E. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the municipality.
- F. It shall be unlawful for any person to salvage or reclaim any solid wastes within the municipality except at an approved and permitted resource-recovery facility under Act 97 and any department rules and regulations adopted pursuant to Act 97.
- G. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water or public or private property within the municipality except as provided in this article.
- H. It shall be unlawful for any person to bring into the municipality or permit to be brought into the municipality for pickup/collection and disposal any solid waste, including municipal waste, refuse, rubbish or bulky waste that is not generated in or originates from residences (as defined in this article) located within the municipality. **[Added 12-5-2000 by Ord. No. 1108, approved 12-5-2000]**

#### **§ 134-4. Storage standards.**

- A. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
- B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
- C. Any person storing municipal waste for collection shall comply with the following preparation standards:

- (1) All municipal waste shall be drained of free liquids before being placed in storage containers.
  - (2) All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
  - (3) Tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be no more than four feet in length.
  - (4) Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles.
  - (5) When specified by the municipality or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.
- D. All municipal waste shall be stored in containers approved by the municipality or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:
- (1) Reusable containers shall be constructed of durable, watertight, rust- and corrosion-resistant material, such as plastic, metal or fiberglass, in such a manner as to be leakproof, insectproof and rodentproof.
  - (2) Reusable containers for individual dwelling units shall have a tight-fitting cover and suitable lifting handles to facilitate collection.
  - (3) Reusable containers for individual dwelling units shall have a capacity of not less than 10 gallons nor more than 40 gallons.
  - (4) Disposable plastic bags or sacks are acceptable containers for individual dwelling units. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top and shall be securely tied at the top for collection.
  - (5) Bulk containers (dumpsters) may be utilized for storage of municipal waste for multifamily dwelling structures.
  - (6) All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

- E. Any person storing municipal waste for collection shall comply with the following storage standards:
- (1) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
  - (2) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
  - (3) Containers shall be used and maintained so as to prevent public nuisances.
  - (4) Containers shall be placed by the owner or customer at a collection point specified by the municipality or its designated representative. Containers or bulky waste items shall not be placed at the curbside or side of the road before 5:00 p.m. on the day prior to the designated collection day, and containers must be removed from curbside or side of the road to the storage place no later than 9:00 p.m. on the day of collection.
  - (5) With the exception of pickup days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all times.
  - (6) Bulk containers.
    - (a) The owner(s) of a multifamily dwelling structure, including a property owners' association if applicable, which is required to utilize the residential collection service provided by the municipality shall authorize the municipality and its contracted hauler to collect municipal waste from bulk containers if such bulk containers are located on private property of the owner(s) or property owners' association.
    - (b) If the owner(s) of a multifamily dwelling structure, including a property owners' association if applicable, do not authorize the municipality or its contracted hauler to collect municipal waste from such bulk containers located on private property, the municipality shall designate a collection point for such municipal waste at curbside of the nearest municipal street, and the occupants of the multifamily structure shall place any municipal waste at

the designated collection point for pickup by the municipality's contracted hauler.

- (7) Bulk waste items shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.
- F. The storage of all municipal waste from multifamily housing properties, commercial establishments, institutional establishments and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this article. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the municipality.
- G. The burning of yard waste shall not be permitted in the Borough of East Stroudsburg.

#### **§ 134-5. Collection standards.**

- A. The municipality shall provide for the collection of all domestic waste or household waste, including garbage and rubbish, refuse and bulky wastes from all residences as defined in this article, or it may contract with a private collector or collectors to provide this essential residential collection service.
- B. All residences as defined in this article shall utilize the residential collection and disposal service provided by the municipality. However, this service is exclusively for the use of residences located within the municipality only. **[Amended 12-5-2000 by Ord. No. 1108, approved 12-5-2000]**
- C. All multifamily housing properties and commercial, institutional and industrial establishments shall negotiate and individually contract collection services with the municipality's collector or any other properly licensed waste hauler of their choice.
- D. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected according to requirements of the licensed waste hauler so as not to cause any health hazards, odors, flies, safety hazards and fire hazards, unsightly conditions or public nuisances.
- E. All garbage and rubbish from multifamily housing properties, commercial, institutional, public and industrial establishments shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The



municipality reserves the right to require more frequent collection when deemed necessary.

- F. Residential collection schedules shall be published regularly by the municipality or its contracted hauler.
- G. All solid waste collection activity shall be conducted from Monday through Saturday between the hours of 3:00 a.m. and 6:00 p.m., unless prior approval of any exception has been granted by the municipality. No collection, hauling or transporting of solid waste shall be permitted on Sunday.
- H. All licensed haulers and haulers under contract with the municipality shall comply with the following standards and regulations:
  - (1) All municipal waste collected within the municipality shall be conveyed by the hauler to a transfer station, processing facility or disposal site designated as approved by the Department or other state regulatory agency.
  - (2) Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97 and any department regulations adopted pursuant to Act 97.
  - (3) All collection vehicles conveying domestic waste or household waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
  - (4) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
  - (5) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

#### **§ 134-6. Injunction powers.**

The municipality may petition the Court of Common Pleas of Monroe County, Pennsylvania for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this article.

#### **§ 134-7. Violations and penalties.**

Any person who shall violate or fail to comply with any of the provisions of this article shall be guilty of a summary offense and, upon conviction thereof, shall be punishable by a fine of not more

than \$1,000 or by imprisonment for not more than 30 days, or both. Each day that a violation continues shall constitute a separate offense.