

Chapter 197
SOLID WASTE

ARTICLE I
Licensing of Collectors

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[HISTORY: Adopted by the Board of Supervisors of the Township of Fairview as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Licensing of Collectors
[Adopted 11-5-1990 by Ord. No. 3-1990]

§ 197-1. Title.

This article shall be known as the "Solid Waste Collectors' Licensing Ordinance."

§ 197-2. Definitions.

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

COLLECTOR — Any person collecting or transporting municipal solid waste for monetary or business purposes, including the municipality itself if it undertakes the collection of municipal solid waste directly and any business or institution within the municipality which generates sufficient municipal solid waste to require disposal directly by its own employee and equipment.

DISPOSAL — Transporting waste materials to an incinerator, sanitary landfill, a resource recovery facility or other site, and making final deposition.

MUNICIPAL WASTE — Except as modified by the current contract between the designated facility and Luzerne County, any garbage, refuse, industrial lunchroom or office waste and other 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 in the Solid Waste Management Act¹ from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

PERSON — Any natural person, association, partnership, firm or corporation.

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

§ 197-3. Licensing of collectors.**A. General requirements.**

- (1) No person shall act as a municipal solid waste collector in this municipality without first obtaining a license from the Township of Fairview pursuant to this article.
- (2) Each collector's license hereunder shall be effective for a maximum of one calendar year, terminating on June 30 of the year for which it was issued and subject to renewal upon application.
- (3) Application for a collector's license shall be made on a form prescribed by the municipality and made to the agency designated by the Township of Fairview. Each application must be accompanied by proof of adequate insurance coverage. Proof of said insurance coverage must be submitted to the county's designated facility prior to the delivery of waste.²
- (4) Any collector who possesses a valid license issued by another municipality in the county shall be entitled to a license conditioned only upon continuing compliance with this article and any other solid waste ordinance of this municipality.
- (5) A license of another municipality, as provided in Subsection A(4) above, may be issued a license if he supplies proof of his holding a valid license in another municipality and sufficient additional information to fill out the application for a license.³
- (6) No license is transferable from one collector to another or one vehicle to another.
- (7) Upon receipt of said application, the agency designated by the Township of Fairview shall either issue or refuse to issue a license to the applicant within 30 days.⁴

B. Management and collection requirements.

- (1) All vehicles used for the collection and transportation of municipal waste must satisfactorily comply with the regulations of the Commonwealth of Pennsylvania and any other solid waste ordinance of the Township of Fairview.
- (2) All collectors shall place a copy of the license in each vehicle operated in the municipality. Each vehicle shall bear the number of the license plus a sequential number referring to the vehicle in a conspicuous location on the exterior of the vehicle.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Original Section III(b), Licensing fees, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) All vehicles shall be inspected and reinspected annually by an agent designated by the municipality.
- (4) No licensed collector shall dispose of any municipal waste collected in the Township of Fairview, Luzerne County, Pennsylvania, except at the disposal facility designated by an executed contract with Luzerne County.

§ 197-4. Violations and penalties.

The penalty for violation of this article, or for operating without a license in accordance with this article, shall be \$500 plus all court costs and revocation of the license. Each day that a violation continues shall constitute a separate violation.

§ 197-5. Compliance requirement.

It is the responsibility of the Township of Fairview to ensure that all terms and conditions of this article, the Luzerne County Municipal Waste Management Plan and the Luzerne County designated disposal facility contract are complied with by the collectors.

