

Chapter 134

COMMERCIAL REFUSE HAULERS

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§ 134-1. Purpose.

The purpose of this chapter is to provide for the regulation of Commercial Refuse Haulers in transporting and disposing of Municipal Solid Waste and/or Source-Separated Recyclable Materials within Cecil County by requiring such haulers to obtain a Cecil County Commercial Refuse Hauler's License from the Cecil County Treasurer and by establishing standards of health and safety for the conduct of such activities.

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§ 134-2. Definitions.

The following words and phrases as used in this chapter shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

A. **Commercial Refuse Hauler** -- Any person, firm, partnership, or corporation which is engaged in the collection, transportation, storage, or disposal of Municipal Solid Waste and/or Source-Separated Recyclable Materials in Cecil County.

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B. **County** -- ~~The~~ Board of County Commissioners of Cecil County, Maryland.

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C. **Designated Disposal Facilities** -- ~~Solid waste disposal facilities operated by the Board of County Commissioners of Cecil County through the Cecil County Department of Public Works (CCDPW) namely: the Central Landfill, Stemmer's Run Transfer Station and the Woodlawn Transfer Station.~~

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E. **Gross Vehicle Weight (GVW)** --~~The combined weight of a vehicle or combination of vehicles, including a towing vehicle, semitrailer and the vehicle load, excluding the driver's weight.~~

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F. **Licensed Commercial Refuse Hauler** -- ~~Any Commercial Refuse Hauler possessing a valid Cecil County Commercial Refuse Hauler's License and all other pertinent permits and licenses which may be required by the State of Maryland for the collection, transportation, storage, or disposal of Municipal Solid Waste or Source-Separated Recyclable Materials.~~

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G. **Municipal Solid Waste** -- ~~Any garbage, construction/demolition waste, refuse, industrial, lunchroom, or office waste, and other non-hazardous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term does not include any Source-Separated Recyclable Materials or Unacceptable Waste.~~

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H. **Putrescible Waste** -- ~~A portion of Municipal Solid Waste consisting of organic waste materials which due to biological decomposition are, or have a tendency to be, rotten, foul, or odorous, including dead animals and food waste, but not including sewage sludge.~~

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I. **Recycling** -- ~~The collection, separation, recovery and marketing, or reuse of Source-Separated Recyclable Materials, which would otherwise be disposed or processed as Municipal Solid Waste.~~

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J. **Source-Separated Recyclable Materials** -- ~~Materials that are separated from Municipal Solid Waste at the point of origin or generation for the purpose of recycling.~~

K. **Transportation** -- ~~The~~ off-site removal of any Municipal Solid Waste or Source-Separated Recyclable Materials at any time after generation.

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L. **Yard Waste** -- ~~Vegetative~~ matter such as, but not limited to, leaves, grass, brush, tree trimmings, and limbs not exceeding 3" in diameter and 6' feet in length; Christmas trees; and certain garden and orchard material. Excluded are stumps, logs, branches, limbs over 3" in diameter, and roots from soil grubbing.

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§ 134-3. Responsibility for Administration.

A. The Director of Public Works for Cecil County shall be responsible for the overall administration of the Commercial Refuse Haulers licensing program in accordance with the provisions of this chapter.

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B. The Cecil County Treasurer shall be responsible for the issuance and renewal of Commercial Refuse Haulers Licenses to those Commercial Refuse Haulers who have paid the required fee to the Cecil County Treasurer's Office and who meet all other requirements as determined by the Director of Public Works or his/her designee.

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§ 134-4. Requirement for Licensure.

A. It shall be unlawful for any person, firm, or corporation who is a Commercial Refuse Hauler, as defined in this chapter, to engage in the collection or transportation of Municipal Solid Waste or Source-Separated Recyclable Materials from any residential, public, commercial, industrial or institutional establishment within Cecil County without first obtaining a license to do so in accordance with the provisions of this chapter. This section shall not apply to private individuals (e.g. homeowners) who transport their own household waste or recyclables to County Designated Disposal Facilities, public agencies, scrap metal dealers, or to farmers, landscapers or nurseries that collect, remove, haul, or otherwise transport agricultural or other organic waste associated with their respective business activities.

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B. It shall be unlawful for any Licensed Commercial Refuse Hauler to collect or transport Municipal Solid Waste or Source-Separated Recyclable Materials from any sources within Cecil County in a manner not in accordance with the provisions of this chapter and/or any other federal, state, or local regulations.

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C. It shall be unlawful for any Licensed Commercial Refuse Hauler to dispose of Municipal Solid Waste, Source-Separated Recyclable Materials, or other wastes generated from out-of-County sources at solid waste disposal facilities owned and operated by Cecil County, Maryland.

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D. Any person, firm or corporation who desires to collect and/or transport Municipal Solid Waste or Source-Separated Recyclable Materials in Cecil County shall obtain a Commercial Refuse Hauler's License from the Cecil County Treasurer's Office. All Commercial Refuse Haulers operating in Cecil County shall have thirty (30) days from the effective date of this chapter to submit a Commercial Refuse Hauler's License application and fee. The punitive provisions of this chapter will not be enforced until sixty (60) days after the effective date of this chapter.

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E. As a condition of acquiring and maintaining a Commercial Refuse Hauler's License, each Licensed Commercial Refuse Hauler collecting residential refuse must provide to its Cecil County customers:

1. Pickup of Municipal Solid Waste at least once per week and
2. Pickup of Source-Separated Recyclable Materials at least once every two weeks.

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F. Commercial Refuse Haulers with existing individual residential collection contracts in the unincorporated areas of Cecil County in effect on the effective date of this chapter will have until January 1, 2011 to provide the minimum Municipal Solid Waste and Source-Separated Recyclable Materials pickup to all of their customers in accordance with this chapter.

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G. Commercial Refuse Haulers providing residential collection of Municipal Solid Waste within an incorporated municipality in Cecil County, whether under individual residential collection contracts or through a collection contract with the municipality itself, shall have until July 1, 2011 to provide the minimum Municipal Solid Waste and Source-Separated Recyclable Materials pickup in accordance with this chapter.

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H. As a condition of obtaining, renewing, or retaining a Commercial Refuse Hauler's License, the Cecil County Department of Public Works and/or Treasurer's Office may require documentation that a license applicant is in compliance with the provisions of this chapter.

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I. The licensing fee shall be set by the County on an annual basis. The licensing period will be from July 1st to June 30th. The County Treasurer's Office will issue a License Certificate to the hauling company and a license/account sticker for each licensed vehicle. The license sticker must be securely fastened to the driver's side of the vehicle in accordance with the instructions supplied with the license sticker and shall be visible to the scale house attendant as the vehicle approaches the scale. All licenses and

stickers are non-transferable and shall be issued for a period of one year. There shall be no reduction or prorated fee for any license issued for a partial year.

J. The Commercial Refuse Hauler's License application form, which will be supplied by the County Treasurer, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and/or transport Municipal Solid Waste and/or Source-Separated Recyclable Materials including, but not limited to:

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1. Name and mailing address of the applicant;
2. Name and telephone number of contact person;
3. List of all collection vehicles to be covered under the license including, at a minimum, the following information for each vehicle:
 - i. Identification information for each vehicle (vehicle type, vehicle license number, vehicle registration number, and company identification number);
4. Date and location of most recent vehicle inspection; and Gross Vehicle Weight (GVW) of the vehicle. Type of Municipal Solid Waste and/or Source-Separated Recyclable Material to be collected and/or transported and documentation that the applicant is providing services to customers in accordance with the provisions of this chapter.

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§ 134-5. Standards for Collection, Transportation, and Disposal.

All Commercial Refuse Haulers operating within Cecil County must comply with the following minimum standards and regulations:

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A. All Licensed Commercial Refuse Hauler's collection vehicles conveying Municipal Solid Waste and/or Source-Separated Recyclable Materials shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety, or the environment.

B. All Licensed Commercial Refuse Hauler's collection vehicles conveying Putrescible Waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

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C. All Licensed Commercial Refuse Hauler's collection vehicles conveying non-putrescible Municipal Solid Waste and/or Source-Separated Recyclable Materials shall be suitably enclosed or covered to prevent litter and other nuisances.

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D. All Licensed Commercial Refuse Hauler's collection vehicles conveying Municipal Solid Waste and/or Source-Separated Recyclable Materials shall bear legible signs or markings identifying the name and

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business address of the entity owning the vehicle and the specific type of material transported by the vehicle.

- E. All collection vehicles and equipment used by Licensed Commercial Refuse Haulers shall be subject to inspection by Cecil County Department of Public Works representatives or its authorized agents at any reasonable hour without prior notification.
- F. Municipal Solid Waste and Source-Separated Recyclable Materials shall not be mixed with each other, unless approved by the Cecil County Department of Public Works.

§ 134-6. Reporting Requirements.

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- A. All Licensed Commercial Refuse Haulers shall maintain current, up-to-date records of the Municipal Solid Waste and/or Source-Separated Recyclable Materials collected within Cecil County. Such records and collected volume reports shall be subject to review by and made available to the County or its authorized agents upon request.

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- B. Each Licensed Commercial Refuse Hauler shall prepare and submit semi-annual reports to the Cecil County Solid Waste Management Division Recycling Coordinator. The report for the first half of the year (January through June) shall be submitted on or before July 31st and the report for the second half of each year (July through December) shall be submitted by January 31st of the following year. The report shall provide the total weight of Source-Separated Recyclable Materials collected each month from sources within Cecil County which are **NOT DISPOSED OF AT A CECIL COUNTY SOLID WASTE DISPOSAL FACILITY.**

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§ 134-7. Expiration and Renewal of Licenses.

A Cecil County Commercial Refuse Hauler's License or any renewal thereof shall expire on June 30th of each year. To renew a license, the Commercial Refuse Hauler must submit a license renewal application and fee to the Cecil County Treasurer's Office at least thirty (30) days prior to the expiration date of the existing license, if renewal of the license is desired. The Treasurer's Office shall have thirty (30) calendar days to process the application. If the Treasurer's Office fails to take action within thirty (30) calendar days, the application will be deemed to be approved.

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§ 134-8. Violations and Penalties.

- A. The Chief, Solid Waste Management Division of the Cecil County Department of Public Works shall have the power to refuse, suspend, or revoke the Cecil County Commercial Refuse Hauler's License of

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any Commercial Refuse Hauler failing to fully comply with the rules and regulations promulgated hereunder.

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B. Prior to refusing, suspending, or revoking such a license, the Chief, Solid Waste Management Division shall provide written notice of the violation or violations charged to the Commercial Refuse Hauler. The Commercial Refuse Hauler shall have five (5) days after service of notice to abate the violation or violations to the satisfaction of the Chief, Solid Waste Management Division and if abated and provided all other applicable requirements are met, the license shall be granted and/or all suspension or revocation proceedings shall terminate.

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C. Except as provided herein, any person, firm, or corporation engaged in the business of collection and/or transportation of Municipal Solid Waste and/or Source-Separated Recyclable Materials as defined in this chapter in Cecil County without a Commercial Refuse Hauler's License shall be subject to a fine of not more than one hundred dollars (\$100) for each day of violation.

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§ 134-9. Appeals.

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A. Holders of a Cecil County Commercial Refuse Hauler's License may appeal a decision by the Chief, Solid Waste Management Division to refuse, suspend, or revoke said license to the Cecil County Director/Deputy Director of Public Works.

B. Holders of a Cecil County Commercial Refuse Hauler's License may appeal decisions by the Director/Deputy Director of Public Works to the Circuit Court for Cecil County; otherwise, all decisions shall be final.

§ 134-10. Severability.

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If any portion of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this chapter. It is the intent of the Board of County Commissioners of Cecil County that this chapter shall stand, even if a section, subsection, sentence, clause, phrase or portion may be found invalid.