

**ORDINANCE NO. 95**

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 82, REGULATING THE MANNER OF ACCUMULATION, BURNING, BURYING, COLLECTION, DISPOSAL, DUMPING, PACKING, PREPARING, PROCESSING, REMOVAL, STORAGE, TRANSFER AND TRANSPORTATION OF GARBAGE, RUBBISH, REFUSE, OR OTHER SOLID WASTE MATERIALS ON PRIVATE OR PUBLIC PROPERTY LOCATED IN THE TOWNSHIP OF SOUTH HUNTINGDON; REGULATING THE MANNER THAT GARBAGE, RUBBISH, REFUSE, OR OTHER SOLID WASTE MATERIALS MUST BE CONVEYED, TRANSFERRED, OR TRANSPORTED TO A DISPOSAL, PROCESSING, OR TRANSPORTATION FACILITY IN THE TOWNSHIP OF SOUTH HUNTINGDON; PROHIBITING THE ACCUMULATION, BURYING, BURNING, DISPOSING, OR DUMPING OF GARBAGE, RUBBISH, REFUSE, OR OTHER SOLID WASTE MATERIALS ON PRIVATE OR PUBLIC PROPERTY LOCATED IN THE TOWNSHIP OF SOUTH HUNTINGDON EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE; REQUIRING THAT ACCUMULATION, BURYING, COLLECTION, DISPOSAL, DUMPING, PROCESSING, REMOVAL, STORAGE AND TRANSPORTATION OF GARBAGE, RUBBISH, REFUSE, OR OTHER SOLID WASTE MATERIALS FROM RESIDENTIAL UNITS IN TOWNSHIP OF SOUTH HUNTINGDON ONLY BE DONE BY COLLECTORS, CONTRACTORS, OR ENTITIES LICENSED BY THE TOWNSHIP OF SOUTH HUNTINGDON; AND PROVIDING THAT FEES, CHARGES AND FINES MAY BE ESTABLISHED BY THE TOWNSHIP OF SOUTH HUNTINGDON SUPERVISORS FOR NOT ONLY THE COLLECTION OF GARBAGE, RUBBISH, REFUSE, OR OTHER SOLID WASTE MATERIALS, OR ANY OTHER FEE THAT THE SUPERVISORS MAY SEE FIT, BUT ALSO PENALTIES FOR VIOLATIONS OF ANY PROVISION THAT IS CONTAINED IN THIS ORDINANCE.**

**WHEREAS**, the Township adopted Ordinance No. 82 on February 28, 2002, regarding the collection and transportation of solid waste within the Township; and

**WHEREAS**, the Township desires to amend said Ordinance No. 82; and

**WHEREAS**, pursuant to the authority vested in the Township of South Huntingdon (hereafter "Township") by the Second Class Township Code (53 P.S. §65101, *et. seq.*), Pennsylvania Solid Waste Management Act of 1980 (35 P.S. Section 6018.101 *et. seq.*) and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1991 (53 P.S. 4000.101 *et seq.*), the Township desires to enact an ordinance:

- A. regulating accumulation, burying, burning, collecting, disposal, dumping, packing, preparing, processing, removal, storage, transfer and transportation of garbage, rubbish, refuse, or other solid waste materials on private or public property located in the Township;
- B. regulating the manner that garbage, rubbish, refuse, or other solid waste materials found or generated in the Township must be collected, conveyed, disposed, processed, stored, transferred, or transported to a disposal, processing, or transportation facility;
- C. regulating the manner that garbage, rubbish, refuse, or other solid waste materials be conveyed, transferred, or transported to a disposal, processing, or transportation facility;
- D. requiring that the collection, conveyance, disposal, removal and transportation of garbage, rubbish, refuse, or other solid waste materials from residential units in the Township only be done by collectors, contractors or entities licensed by the Township; and

E. providing for the establishment, payment and collection of fees and charges for not only the collection, transportation and disposal of garbage, rubbish, refuse, or other solid waste materials, but also for penalties for violations of any provision of the ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Board of Supervisors of the Township of South Huntingdon, Westmoreland County, Pennsylvania, as follows:

**SECTION 1. Short Title** - This ordinance shall be known and referred to as:

**TOWNSHIP OF SOUTH HUNTINGDON SOLID WASTE ORDINANCE**

**SECTION 2. Purpose** - The purpose of this ordinance is to:

A. regulate the accumulation, burying, burning, collecting, disposal, dumping, packing, preparing, processing, removal, storage, transfer and transportation of garbage, rubbish, refuse, or other solid waste materials on private or public property located in the Township;

B. regulate the manner that garbage, rubbish, refuse, or other solid waste materials found or generated in the Township must be collected, conveyed, disposed, processed, stored, transferred, or transported to a disposal, processing, or transportation facility;

C. regulate the manner that garbage, rubbish, refuse, or other solid waste materials be conveyed, transferred, or transported to a disposal, processing, or transportation facility;

D. require that the collection, conveyance, disposal, removal and transportation of garbage, rubbish, refuse, or other solid waste materials from residential units in the Township only be done by collectors, contractors or entities licensed by the Township; and

E. provide for the establishment, payment and collection of fees and charges for not only the collection, transportation and disposal of garbage, rubbish, refuse, or other solid waste materials, but also for penalties for violations of any provision of the ordinance.

**SECTION 3. Definitions**

**Abatement** The restoration, reclamation, recovery, etc., of a natural resource adversely affected by the activity of a person.

**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 agricultural waste is not hazardous. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural, aquacultural and silvicultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands. (The term also includes materials in liquid or solid form generated in the production and marketing of fish or fish hatcheries.)

**Aquaculture** The practice of raising plants or animals, such as fish or shellfish, in manmade or natural bodies of water.

**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.

<b>Bulky Waste</b>	Large items of solid waste including but not limited to appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size shape, or weight.
<b>Coal Ash</b>	Fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term includes such materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation.
<b>Combustible Refuse</b>	All paper, straw, excelsior, rags, rubbish, shoes and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned.
<b>Commercial Establishment</b>	Any establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
<b>Commission</b>	The Pennsylvania Public Utility Commission and its authorized representatives.
<b>Commonwealth</b>	The Commonwealth of Pennsylvania.
<b>Commonwealth Agency</b>	The Commonwealth and its departments, boards, commissions and agencies, Commonwealth-owned universities and the State Public School Building Authority, the State Highway and Bridge Authority and any other authority now in existence or hereafter created or organized by the Commonwealth.
<b>Department</b>	The Department of Environmental Protection of the Commonwealth and its authorized representatives.
<b>Disposal</b>	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 waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth.
<b>Facility</b>	All land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place, or where hazardous waste is treated, stored or disposed.
<b>Food Processing Waste</b>	Residual materials in liquid or solid form generated in the slaughtering of poultry and livestock or in processing and converting fish, seafood, milk, meat and eggs to food products; it also means residual materials generated in the processing, converting, or manufacturing of fruits, vegetables, crops and other commodities into marketable food items.
<b>Food Processing Wastes used for Agricultural Purposes</b>	The use of food processing wastes in normal farming operations as defined in this section.

<b>Garbage</b>	All table, refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use or which are for any reason discarded or the animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.
<b>Host Municipality</b>	The municipality other than the county within which a municipal waste landfill or resource recovery facility is located or is proposed to be located.
<b>Incombustible Refuse</b>	All discarded articles or materials, except sewage, liquid waste, garbage and combustible refuse.
<b>Industrial Establishment</b>	Any establishment engaged in manufacturing or processing, including, but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
<b>Institutional Establishment</b>	Any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.
<b>Leaf waste</b>	Leaves, garden residues, shrubbery and tree trimmings and similar materials, but not including grass clippings.
<b>Local Public Agency</b>	<ol style="list-style-type: none"><li>(1) Counties, cities, boroughs, towns, townships, school districts and any other authority now in existence or hereafter created or organized by the Commonwealth.</li><li>(2) All municipal or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or any combination thereof.</li><li>(3) Any and all other public bodies, authorities, councils of government, officers, or agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.</li></ol>
<b>Management</b>	The entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid wastes by any person engaging in such process.
<b>Multi-Family Residences</b>	Residences with more than four (4) family units residing therein.
<b>Municipality</b>	A city, borough, incorporated town or home rule, township or county or any authority created by any of the foregoing.
<b>Municipal Recycling Program</b>	A source separation and collection program for recycling municipal waste or source-separated recyclable materials, or a program for designated drop-off points or collection

centers for recycling municipal waste of source-separated recyclable materials, that is operated by or on behalf of a municipality. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of a municipality. The term shall now include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

**Municipal Waste**

Any garbage, refuse, industrial lunchroom or office waste and other materials, 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 in the Solid Waste Management Act from a municipal, commercial or institutional waste supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

**Municipal Waste Landfill**

Any facility that is designated, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatments plants or water supply treatment plants.

**Operator**

A person engaged in solid waste processing or disposal. Where more than one is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this act.

**Person**

Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency (including, but not limited to, the Department of General Services and the State Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject or rights and duties. In any provisions of this act 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.

**Pollution**

Contamination of any air, water, land or other natural resources of this Commonwealth that will create or is likely to create a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other life.

**Processing**

(1) The term includes any of the following:

- (i) Any method or technology used for the purpose of reducing the volume or bulk of municipal or residual waste, or any method or technology used to convert part of all or such waste materials for off-site reuse.
- (ii) Transfer facilities, composting facilities and resource recovery facilities.

(2) The term does not include a collection or processing center that is only for source separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

- Public Agency** Any Commonwealth agency or local public agency.
- Public Nuisance** Any violation of any provision of this ordinance, rule or regulation or any government agency, order of the Department or any term and condition of any permit shall constitute a public nuisance.
- Refuse** All combustible refuse and incombustible refuse, referred to collectively.
- 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 waste supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318) known as the Coal Refuse Disposal Control Act. The term 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 act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law.
- Resource Recovery Facility** A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, 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 any 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 offsite, whether or not the facility is operated to recover energy. The term does not include:
- (1) Any composting facility.
  - (2) Methane gas extraction from a municipal waste landfill.
  - (3) Any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste.

- (4) Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

**Secretary**

The Secretary of Environmental Protection of the Commonwealth.

**Solid Waste**

Any waste, including, but not limited to, municipal or residual wastes, including solid, liquid, semisolid or contained gaseous material. The term "Solid waste" does not include either coal ash or drill cuttings or hazardous wastes as defined in General PA law. "Storage," The containment of any municipal 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 municipal waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**Transfer 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. The term includes a facility that uses a method or technology to convert part of all of such waste materials for offsite reuse. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

**Waste Reduction**

Design, manufacture or use of a product to minimize weight of municipal waste that requires processing or disposal, including, but not limited to:

- (1) design or manufacturing activities which minimize the weight or volume of materials contained in a product, or increase durability or recyclability; and
- (2) use of products that contain as little material as possible, are capable of being reused or recycled or have an extended useful life.

A. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**SECTION 4. Prohibitive and Regulated Activities**

A. It shall be unlawful for any person:

1. To accumulate, bury, collect, convey, dispose, pack, process, remove, store, transfer, or transport garbage, refuse, or other solid waste on private or public property located in the Township except as provided for in this ordinance; or any department rules or regulations; or any federal or state statute regulating solid waste;

2. To bury, collect, convey, dispose, remove, or transport garbage, refuse, or other solid waste from private or public property located in the Township without a

license, except as provided for in this ordinance; or any department rules or regulations; or any federal or state statute regulating solid waste;

3. To scavage any items, materials, or things from any garbage, refuse, or other solid waste that is accumulated, buried, disposed, packed, prepared, processed, or stored on private or public property located in the Township, except as provided for in this ordinance; or any department rules or regulations; or any federal or state statute regulating solid waste;

4. To salvage or reclaim any solid waste within the Municipality except at an approved and permitted resource recovery facility under Act 97 or Act 101 and any Commonwealth, Commonwealth Agency, Municipal, or Municipal Agency's laws, rules or regulations;

5. To discard, dispose, place, or throw any garbage, refuse, or other solid waste in or upon any alley, body of water, sewer inlet, sidewalk, or street, private or public, located in the Township, except as provided for in this ordinance; or any department rules or regulations; or any state statute regulating solid waste;

6. To bury, collect, convey, discard, dispose, process, or transfer a new or used lead acid battery in municipal solid waste;

7. To use or permit to be used any of their private property in the Township as a private accumulating, disposing, packing, preparing, processing, storing, transferring or disposal site for garbage, refuse, or other solid waste, except as provided for in this ordinance; or any department rules or regulations; or any state statute regulating solid waste;

8. To collect, convey, pack, transfer, or transport any garbage, refuse, or other solid waste to a disposal site, except those persons contracted, authorized or designated by the Supervisors of the Township of South Huntingdon, as provided for in this ordinance; or any department rules or regulations; or any state statute regulating solid waste;

9. To permit any unauthorized collector to take any garbage, refuse, or solid waste from the premises occupied by that person;

10. To accept for disposal truckloads composted primarily of leaf waste, except for a composting facility;

11. To own or operate a municipal waste processing or disposal facility without a permit from the Department of Environment Resources;

12. to construct, alter, operate or utilize solid waste storage, treatment, processing or disposal facility that a permit from the Department is required by 35 P.S. Section 6018.101 et. seq. or orders of the Department are in violation of any term or condition of any permit issued by the Department;

13. To dispose of solid waste without a permit from the Department;

14. To transport or permit to transport any solid waste in any storage, treatment, processing or disposal facility or area in which such facility or area possesses a permit issued by the Department to accept such waste;

15. To refuse, hinder, obstruct, delay or threaten any agent or employee of the Township in the course of performance of any duty under this Ordinance, including, but not limited to, entry and inspection under any circumstance;

16. To cause or assist in the violation of any provision of this Ordinance; and

17. To accumulate, burn, bury, collect, convey, dispose, dump, pack, process, remove, store, transfer, or transport garbage, rubbish, refuse, or other solid waste on Sunday.

B. It shall be unlawful to fail:

1. To use such methods and facilities as are necessary to control leachate, runoff, discharges and emissions from residual waste in accordance with the Department of Environmental regulations;

2. To use such methods and facilities as are necessary to prevent the harmful or hazardous mixing of wastes;

3. To design, construct, operate and maintain facilities in areas in a manner which shall not adversely affect or endanger public health, safety and welfare, or the environment or cause a public nuisance;

4. To use such method and equipment and facilities as are necessary to transport solid waste in a manner which shall not adversely affect or danger the environment, public health or welfare and safety;

5. To take immediate steps to contain and clean spills, littering or accidental discharge or solid waste and to notify the Department, pursuant to Department regulations, of all spills, littering or accidental discharges which occur on public highways, public areas, which may enter the waters of the Commonwealth; and

6. To pay any fee or charge imposed pursuant to this Ordinance for the collection, transportation and disposal of any waste.

C. Each day's continuance of a violation of this Ordinance shall constitute a separate offense.

#### **Section 5. Standards for Storing Solid Waste**

A. Solid Waste including bulky waste, shall be stored in a way to prevent the collection or accumulation of water, attraction, harborage, or breeding of insects or rodents and to eliminate conditions harmful to public health or which create fire or safety hazards, odors, unsightliness or public nuisance.

B. Solid Waste shall be stored separately from hazardous materials, combustible refuse and lawn clippings.

C. Storage containers shall be properly stored on the owner's, tenant's, or occupant's premises at all times except on days when the solid waste is scheduled for pick up.

D. Storage containers shall be kept tightly sealed and covered at all times.

E. Solid Waste shall not protrude or extend above the top of the storage container.

F. The Township or its designated representative, may specifically require special storage procedures to facilitate the collection and resource recovery (recycling) of certain waste materials.

G. Storage Containers

1. All solid waste shall be stored in containers that comply with the minimum standards established by the National Sanitation Foundation and are approved by the Township or its designated representative.

2. Containers shall be used and maintained so as to prevent public nuisances.

3. Any person producing solid waste that is not included in the municipal recycling program shall provide a sufficient number of reusable or disposable storage containers to store all solid waste generated between collection periods.

4. Reusable containers:

a. All reusable containers shall:

- (1) be provided by the owner, tenant, or occupant of the premises; neither the Township nor the collector shall provide reusable containers suitable for collection;
- (2) be constructed of durable watertight, rust and corrosion resistant material such as metal, fiberglass, or plastic and constructed in a manner as to be leak weather, insect and rodent proof;
- (3) have a tight fitting cover and suitable lifting handles to facilitate collection;
- (4) have a capacity of not less than 10 gallons, but not more than 32 gallons;
- (5) not weigh more than 40 pounds when full;
- (6) be kept as sanitary as possible and cleansed and disinfected by the owner, tenant, or occupant periodically to prevent the accumulation of liquid residues or solids on the bottom or sides; and
- (7) shall not have sharp or ragged edges, or any other defect that may hamper collection or cause injury to collector's personnel.

b. Reusable containers that do not comply with any of the standards set forth above shall be immediately replaced by the owner, tenant, or occupant upon notice from the Municipality or its designated representative.

5. Disposable containers

a. All disposable containers shall:

- (1) be either a plastic bag or sack which is designated for municipal waste disposal;
- (2) have ties at the top;
- (3) have a capacity of not more than thirty (30) gallons;
- (4) not weigh more than thirty five (35) pounds when filled; and
- (5) have sufficient wall strength to maintain physical integrity when lifted by the top.

- b. Disposable containers that do not comply with any of the standards set forth above shall be immediately replaced by the owner, tenant, or occupant upon notice from the Municipality or its designated representative.

6. Bulk containers

- a. The type, size and placement of any bulk containers shall be determined by the waste generator and solid waste collector, subject to the approval of the Township. Bulk containers shall:
  - (1) be provided by the owner, tenant, or occupant of the premises;
    - (a) neither the Township nor the collector shall provide bulk containers suitable for collection;
  - b. be constructed of durable watertight, rust and corrosion resistant material such as metal, fiberglass, or plastic and constructed in a manner as to be leak, weather, insect and rodent proof; and
    - (1) have a tight fitting cover and suitable hoisting handles to facilitate collection; and
    - (2) shall be kept as sanitary as possible and cleansed by the owner, tenant, or occupant periodically.

7. Storage racks for receptacles

- a. If it is desirable for the owner, tenant, or occupant of a residence, multi-family residence, or residence that is not a multi-family residence, or an institution, commercial, industrialized establishment, restaurant or hotel to have racks or holders for all storage containers, those racks or holders shall:
  - (1) be made of durable metal or wood; and
  - (2) have at least twelve (12) inches of clearance from the ground unless the base is made of concrete or another easily cleaned material.

H. Any person storing garbage, refuse, rubbish, or solid waste for collection shall comply with the following:

1. All garbage, refuse, rubbish, or solid waste that is not included in the municipal recycling program shall be thoroughly rinsed and drained of free liquid before placing in storage containers;
2. All garbage, refuse, rubbish, or solid waste that is putrescible shall be wrapped securely in paper, plastic, or similar material or placed in a properly tied plastic bag;
3. All combustible waste should be separated from non combustible waste;  
and
4. Inorganic materials.

- a. Inorganic materials such as scrap lumber or firewood may be kept on private property provided that it is accumulated or stored at least twelve (12) inches above the surface (ground).

5. Bulk waste items such as furniture, automobile parts, machinery, appliances and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of insects or rodents, safety hazards and fire hazards.

6. Lawn, hedge clippings, or tree trimmings may be accumulated or stored for composting by either the Township or the property owner.

7. The Township or its designated representative may specifically require special preparation procedures to facilitate the collection and resource recovery (recycling) of certain waste materials.

I. The regulations and standards set forth in this Ordinance related to the storage containers and storage of Solid Waste are applicable to multi-family residential units, commercial establishments, institutions, industrial or office waste sources.

## **SECTION 6.** Standards for Collecting Solid Waste

### **A.** Place for collection

1. All garbage, refuse, rubbish, or solid waste shall remain in storage containers when placed at the collection point.

2. All hazardous materials, combustible refuse, lawn or hedge clippings, or tree trimmings placed for collection shall:

- a. be either assembled, baled, boxed, or bundled;
- b. not be more than three (3) feet in length;
- c. not be more than two (2) feet in diameter;
- d. not weigh more than forty (40) pounds; and
- e. be placed in separate containers at the collection point.
- f. The assembling, baling, boxing, or bundling shall be done in a such a way that it:
  - (1) can be handled conveniently and by one person of the collector; and
  - (2) will not be disseminated by wind or otherwise while waiting for collection.
- g. Newspapers and magazines placed for collection shall:
  - (1) be either placed in approved containers; or
  - (2) be tied securely in bundles: and
  - (3) not weigh more than forty (40) pounds.

3. Storage containers placed for collection shall be placed:

- a. at ground level at the curb of the alley, road, street, or right of way where collection is to occur; and
  - b. shall not be placed in any alley, street, or private property or right of way for collection.
  - c. The collector or contractor shall pick up the storage containers at the:
    - (1) rear of the property lines of properties accessible by rear alleys; and
    - (2) front property line of properties where access to properties by rear alleys is prohibited or inaccessible;
    - (3) unless an agreement exists with the collector to collect elsewhere.
4. No garbage, refuse, rubbish, or solid waste shall be placed for collection earlier than eight o'clock of the evening (8:00 p.m.) prior to the collection date.

B. Frequency of collection

1. Residential

- a. All residential garbage, refuse, rubbish, or solid waste shall be collected at least once a week.
  - (1) Bulky wastes shall be collected following special arrangement with the collector and the payment of any additional fees to the collector by the waste generator.
- b. All residential collection schedules shall be published regularly by the Township or its licensed contractor or collector.

2. Multi-family residences (more than four units), commercial, institutional and industrial establishments.

- a. All garbage, refuse, rubbish, or solid waste generated by residences with more than four units, or commercial, institutional, or industrial establishments shall be collected at least once a week or as often as necessary to control health hazards, odors, insect or rodent, or unsightly conditions.
  - (1) The Township reserves the right to require more frequent collection at multi family residences (more than four units), or commercial, institutional, or industrial establishments when deemed necessary.

3. Hotel, restaurants and other such businesses

- a. Hotels, restaurants and other such businesses or institutions shall be collected at least once a week or as often as necessary to control health hazards, odors, insect or rodent, or unsightly conditions.

C. Days for collection

1. All solid waste collection activity shall take place from Monday to Saturday, no earlier than 6:00 a.m. and no later than 6:00 p.m.

2. No collection, hauling, or transporting solid waste shall take place on Sunday.

**SECTION 7. Establishment, Payment and Collection of Fees**

A. The Township shall, from time to time, establish the fees for the collection, transportation and disposal of any waste which is the subject of this Ordinance.

B. Each owner of an occupied structure within the Township shall pay the established fee to the Township or the designee of the Township as established from time to time by Resolution.

C. The licensed collector or contractor may be designated by the Township as the entity responsible for the collection of any fees for solid waste collection and disposal from residential customers.

D. The collector or contractor may be designated by the Township as the entity responsible for collecting fees for solid waste collection and disposal from multi family residences (more than four units), commercial, institutional, industrial, hotel and restaurants sources within the Township.

E. Any such fees remaining unpaid sixty (60) days after the due date may be filed by the Township as a Municipal Lien in accordance with the provisions of the Municipal Lien Law.

**SECTION 8. Collecting and Transporting Solid Waste**

A. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

**B. Collecting**

1. Collection of garbage, rubbish, or solid waste in the Township shall only be performed by the Township, or collectors and contractors licensed and/or approved by the Board of Supervisors.

2. The Township shall provide or contract with a licensed private collector or contractor for the collection of all garbage, refuse, rubbish, or solid waste from individual and multi-family residences with four or fewer dwelling units, only.

a. For purposes of this section, multi-family residences are those residences with four (4) or less dwelling units residing therein.

b. The contract for the right to collect solid waste from residents and other persons in the Township and the conveyance thereof shall be awarded from time to time and for such period of time as to be determined by the Supervisors of the Township of South Huntingdon.

(1) The contract shall fix and regulate, in a manner not inconsistent with the terms of any federal, state, or local government or agency law or ordinance, rule, or regulation:

(a) the fees charged by the contractor or collector to the customers; and

(b) method and time of collecting and conveying solid waste.

- c. Annual fee schedules shall be published by the Township based on any competitively bid residential collection service contract that may be awarded by the Township.

3. All residents of the Township shall utilize the residential collection services provided by Township, unless those residents can demonstrate that they are using an alternative collection service that acts in accordance with the provisions mandated in this ordinance; any department rules or regulations; and any state statute regulating the collection of solid waste.

4. Multi family residences (more than four units), or commercial, institutional, or Industrial establishments may negotiate and shall contract with any licensed collection service or the Township's collector to collect solid waste in a manner that is consistent with this ordinance; any department rules or regulations; and any state statute regulating the collection of solid waste.

5. No collector shall dispose of garbage, refuse, or solid waste collected in the Township except by conveyance to the transfer station, processing facility, or place of disposal designated by the Board of Supervisors of the Township of South Huntingdon.

- a. The Board of Supervisors of the Township of South Huntingdon designate the following as the place of disposal for garbage, refuse, rubbish, or solid waste generated in the Township:

Any properly permitted landfill designated in the approved Westmoreland County Municipal Waste Management Plan.

#### C. Transportation

1. All solid waste shall be transported in a manner to prevent public health hazards, environmental degradation and nuisances.

2. Any vehicle used for the transportation of municipal waste must comply with the requirements of 35 P.S. 6018.101 et seq. and 53 P.S. 4000.101 et seq. and any regulations established by the Department.

- a. All solid waste shall be transported in suitably covered or enclosed vehicles to prevent roadside littering, attraction of vectors, or creation of other nuisances.

3. All solid waste from the Township shall be transported to any properly permitted landfill designated in the approved Westmoreland County Municipal Waste Management Plan.

4. Any vehicle transporting solid waste shall not be delayed or placed in a populated area for more than four (4) hours, except that this paragraph does not apply to days when collection is taking place in the township.

5. Daily written logs of the quantities of solid waste that was transported, its destinations and time of arrival at its destination shall be maintained by the person transporting the solid waste.

#### SECTION 9. Licensing of Collectors

- A. No person except an authorized collector that has obtained and maintains a permit or license issued by the Supervisors of the Township of South Huntingdon shall collect garbage, refuse, rubbish, or solid waste throughout the Township.

1. An authorized collector is one who has entered into a contract with or has been granted a license by the Township for the specific purpose of collecting, conveying, transferring, or transporting garbage, refuse, rubbish, or solid waste.

B. The Supervisors of the Township of South Huntingdon reserve the right to establish and increase the fee for permits or licenses that an authorized collector shall need to collect, convey, transfer, or transport garbage, refuse, rubbish, or solid waste.

#### **SECTION 10. Equipment of Collectors**

A. Any trucks, vehicles, or other equipment used by the collector for the collection or transportation of garbage, refuse, rubbish, or solid waste shall:

1. comply with the requirements of:
  - a. Act 97 of 1980, commonly known as "Pennsylvania Solid Waste Management Act";
  - b. Act 101 of 1988, commonly known as "The Pennsylvania Municipal Waste Planning";
  - c. Recycling and Waste Reduction Act;
  - d. any other federal, state, or local law or ordinance;
  - e. any other federal, state, or local department or agency rule or regulation;
  - f. licensing by the Westmoreland County Commissions; and
  - g. licensing and inspection by the Supervisors of the Township of South Huntingdon or their agents.
2. be watertight and enclosed or capable of being enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances;
3. be operated and maintained in a clean and sanitary condition;
4. display the name of business, business address, the name of the owner of the vehicle or conveyance and the specific type of solid waste transported by the vehicle or conveyance; and
5. shall on all sides have lettering which is at least six inches in height.

B. Failure of any authorized collector or collectors to comply with the provisions of this Ordinance shall result in having said license revoked or contract canceled.

#### **SECTION 11. Duties of collector**

A. The collector shall give bond to the Township in the sum and with such security as the Supervisors of the Township of South Huntingdon may require prior to undertaking any obligations or performance owed under the contract with the Township.

B. Storage containers

1. The collector shall place the cover on any reusable container after collecting the waste from that container.

2. The collector shall handle the storage container carefully so as not to spill the contents or damage the container.

**SECTION 12. Permits**

**A. Approval of Governing Body**

1. Applications for any permit sent to the Department shall be reviewed by the Township.

2. The Township may recommend to the Department conditions upon, revisions to, or disapproval of the permit only if specific cause is identified.

- a. The Township shall report any conditions, revisions to, or disapprovals for specific cause to the Westmoreland County Planning Agency.
- b. The Westmoreland County Planning Agency must notify the Department and respond to recommendations within sixty (60) days after the Department prints its justification to the Pennsylvania Board.
- c. If there is no response from the County within sixty (60) days after publication of the Department's justification on the recommendations, the Township and the County waive the right to review the permit.

**SECTION 13. Injunction Powers**

A. The Township may petition the Westmoreland County Court of Common Pleas for a preliminary and/or permanent injunction, either mandatory or prohibitive:

1. to enforce any of the provisions of this Ordinance;
2. to restrain or prohibit any public nuisance, or
3. to prohibit any condition or activity that is detrimental to health.

**SECTION 14. Fines and Penalties**

A. Any person who violates or fails to comply with any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor which is punishable by:

1. costs of prosecution; and
2. costs of abatement or any pollution or public nuisance; and
3. a fine of not less than one hundred dollars (\$100.00), nor more than one thousand Dollars (\$1,000.00); or
4. imprisonment for a period of not more than thirty (30) days; or
5. both 3 and 4 above if in default of payment of such fine and costs.

B. Each day of violation shall be considered a separate and distinct offense.

C. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent within the existence of or exercise of any other remedy and shall not prevent the Department of Environmental Resources from exercising any other remedy, at law or in equity.

D. Nothing in this Act shall be construed as estopping the Commonwealth, or any district attorney, or municipal solicitor from proceeding in courts of law or equity to abate pollution forbidden under this Act or abate nuisances under existing law.

**SECTION 15. Administrative Appeals**

A. Appeals may be made by the following persons:

1. Any person who is aggrieved by a new standard or regulation issued by the Municipality may appeal within ten (10) days after the Municipality gives notice of its intention to issue the new standard or regulation.

B. All appeals shall be:

1. made in writing to the governing body of the Township; and
2. sent by certified mail with return receipt requested to the governing body of the Township.

C. Public Hearing on Appeals

1. The Township shall hold a public hearing on the appeal within twenty (20) days after it receives the notice of appeal.
2. Notice of the hearing shall be sent to the parties in time to adequately prepare for the hearing.
3. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

D. Pending a reversal or modification, all decisions of the Municipality shall remain effective and enforceable.

**SECTION 16. Effect of Ordinance on other Acts**

A. This Ordinance in no way affects 35 P.S. 6018.101 et. seq. titled "Solid Waste Management Act" or 53 P.S. 4000.101 et seq. titled "Municipal Waste Planning, Recycling and Waste Reduction Act," or any other federal, state, or agency regulation or rule.

B. Residents, property owners, tenants, occupants, collectors, transporters, operators of disposal facilities and equipment are governed by the provisions contained in 53 P.S. 4000.101 et. seq. and 35 P.s. 6018.101 et. seq.

**SECTION 17. Severability**

If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of South Huntingdon that this Ordinance would have been adopted had such

unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

**SECTION 18.** Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**SECTION 19.** Effective date

This ordinance shall take effect at the earliest date permitted by law.

Ordained and enacted this 21st day of July, 2011.

Township of South Huntingdon

By: Scott Painter, Chairman

ATTEST: Cindy Thorne, Secretary

**ORDINANCE NO. 96**

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE CIRCUMSTANCES, CRITERIA AND PROCEDURES FOR THE EXISTENCE, USE AND MAINTENANCE OF SEWAGE RETAINING TANKS, BY INDUSTRIAL USERS, INCLUDING RIGHTS AND REMEDIES FOR VIOLATIONS OF THE ORDINANCE, FINES AND PENALTIES.**

**BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of the Township of South Huntingdon as follows:

**SECTION I: Purpose.** The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new retaining (holding) tanks designed to receive and retain sewage from properties and industrial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township.

**SECTION II: Definitions.** Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

**Agency** - The Township of South Huntingdon.

**Department** - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any subsequent named or designated agency of the Commonwealth of Pennsylvania with jurisdiction or responsibility for enforcement and implementation of The Pennsylvania Sewage Facilities Act, The Clean Streams Law and The Administrative Code of the Commonwealth of Pennsylvania.

**Industrial Uses** – Those uses ordinarily and customarily involving the manufacturing, processing, production, supply, distribution and storage of minerals, gas, oil, raw materials and products for use by others, including but not limited to:

- (1) Light manufacturing and fabrication.
- (2) Warehousing and storage.
- (3) Truck terminals.
- (4) Wholesale distribution.
- (5) Contractor's plant: sales, storage, supply yard.