

TOWNSHIP OF PERRY

ORDINANCE NO. 2008-01

SOLID WASTE MANAGEMENT ORDINANCE

AN ORDINANCE PROVIDING FOR THE HEALTH AND WELFARE OF THE CITIZENS OF THE TOWNSHIP OF PERRY, FAYETTE COUNTY, PENNSYLVANIA, BY REGULATING THE ACCUMULATION, COLLECTION, AND DISPOSAL OF SOLID WASTE, AND SETTING THE PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Township of Perry (hereinafter Township), as a Second Class Township, pursuant to the Second Class Township Code, has the power to regulate the collection and disposal of solid waste (garbage, trash, refuse, and other debris); and

WHEREAS, Section 304 of the Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (the "Act") provides that all municipalities are responsible for the recycling, collection, transportation, processing, and disposal of municipal solid waste; and

WHEREAS, it is the desire of the Township to regulate the collection, transportation, and disposal of solid waste of residential, commercial, and institutional properties.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Perry, Fayette County, Pennsylvania, as follows:

SECTION 1
SHORT TITLE

This Ordinance shall be known and may be cited as the Solid Waste Management Ordinance of the Township of Perry.

SECTION 2
DECLARATION OF PURPOSE AND INTENT

It is hereby declared to be the purpose of this Ordinance to coordinate and regulate the storage, collection, transportation, processing, and disposal of all solid waste materials as herein defined in order to protect the safety, health and welfare of the citizens of the Township.

SECTION 3
DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meaning given herein:

Bulky waste - shall mean large items of refuse including, but not limited to, appliances, large auto parts, furniture, and large trees and branches which require collection in other than conventional compactor refuse collection vehicles.

Collector - shall mean the person, firm, agency, public body or employee or agent thereof who is engaged in the collection and/or transportation of solid waste.

Commercial properties - shall mean all properties used for industrial or commercial purposes, provided that multiple dwelling residential buildings containing more than four dwelling units, for purposes of this Ordinance, shall be treated as commercial properties.

Composting - shall mean a controlled microbiological degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.

Dead animals - shall mean those animals, not exceeding 100 pounds, that die naturally, from disease, or are accidentally killed. Condemned animals or parts of animals from slaughter houses or similar places are not included in this term but are regarded as industrial waste.

Detachable container or **mechanical bin** - shall mean any metal container which may be mechanically lifted and emptied into the collection vehicle.

Farm property - shall mean a parcel or parcels of land primarily devoted to agriculture; either to raising crops, livestock, poultry, or pasture, or any combination thereof.

Garbage (food waste) - shall mean animal and vegetable waste resulting from the storage, handling, preparation, cooking, and serving of foods. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals, or human or animal excrement.

Hazardous waste - shall mean solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials, and medical waste.

For purposes of this ordinance, hazardous waste does not include small quantities of such waste available, over the counter, on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, over the counter remedies, etc.).

Licensed collectors - shall mean a collector licensed by the Township to provide collection services to residential, commercial, or institutional properties on a private contract basis.

Refuse - shall mean all solid wastes, except body wastes; and shall include, but not be limited to garbage, ashes, bulky waste, rubbish, compost and dead animals; except that refuse shall specifically exclude hazardous waste.

Residential property - shall mean properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple dwelling residential buildings containing more than four dwelling units, for purposes of this Ordinance, shall be treated as commercial properties.

Rubbish - shall mean all solid waste exclusive of all waste otherwise defined herein or otherwise covered by other laws or regulations.

Salvage operation - shall mean any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, automobiles, metals, chemicals, shipping containers, or drums.

Scavenging - shall mean the uncontrolled or unauthorized removal of solid waste materials or recyclable materials.

Solid waste - shall mean garbage, refuse, and other discarded solid materials, as defined herein, including but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities. Liquids, semi-solids, and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. In addition, it shall not include hazardous waste.

Yard waste - shall mean prunings, grass clippings, weeds, leaves, and general yard and garden wastes.

SECTION 4
RESPONSIBILITY

The Board of Supervisors of the Township shall be responsible for all aspects of solid waste management within the Township.

SECTION 5
FUNCTIONS AND POWERS OF THE BOARD OF SUPERVISORS

The Board of Supervisors of the Township shall be responsible for the preparation of all necessary plans for solid waste management and shall coordinate these plans with other local, county, state, and federal agencies. These plans shall control the collection, storage, transportation, processing, and disposal of all solid waste materials. In accordance with all the pertinent statutes, rules, and regulations of the Federal Government, the Commonwealth of Pennsylvania, the Board of Supervisors of the Township shall:

A. Provide township solid waste collection, storage, transportation, and disposal services and/or approve and regulate the establishment, maintenance and operation of private solid waste collection, storage, transportation, and disposal services.

B. Aid and assist the Commonwealth in the application and enforcement of rules and regulations pertaining to solid waste management.

C. Adopt, issue, and enforce such local rules and regulations as are necessary to implement and carry out the intent of this Ordinance.

D. Assist in the review of permits required by the Commonwealth for siting and operation of transfer, processing, and disposal facilities.

E. Enforce this Ordinance by issuing warning notices and initiating proceedings against violators of this Ordinance and its appurtenant rules and regulations. The Code Enforcement Officer is empowered to prosecute violators of this Ordinance and its appurtenant rules and regulations.

SECTION 6
DUTY OF OWNERS AND OCCUPIERS OF PROPERTY
NOT TO ACCUMULATE SOLID WASTE AND
TO SECURE SOLID WASTE COLLECTION SERVICE

A. No person shall permit any solid waste to accumulate for a period of longer than seven (7) days upon property owned or occupied by said person in the Township.

B. Owners and occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.

C. Owners, occupiers, and tenants of farm property are not subject to the provisions of paragraphs 6A and 6B.

D. All solid waste accumulated on any residential property in the Township shall be collected, conveyed, and disposed of by a private collector licensed by the Township and in accordance with the provisions of this Ordinance.

E. All solid waste accumulated on commercial and institutional properties shall be collected, conveyed, and disposed of by a private collector licensed by the Township. In such a case where a residential, commercial or institutional establishment contracts directly with a private collector, the fee for payment shall be a matter of private agreement between the owners of the properties and the private collector. When approved by the Township, owners of commercial and industrial properties may collect, convey and dispose of privately generated solid waste by their own containers and/or trucks, providing they comply with the provisions of this Ordinance applicable thereto and all other laws or regulations of the Commonwealth of Pennsylvania.

F. It shall be unlawful for any person to collect and dispose of any solid waste within the Township except as provided in this Ordinance.

G. Notwithstanding any provision of this Ordinance to the contrary, any act or action authorized or required by the Township of Perry Recycling Ordinance shall not constitute a violation of this Ordinance. If a provision of this Ordinance and a provision of the Township of Perry Recycling Ordinance conflict, the provision of the Township of Perry Recycling Ordinance shall prevail and be complied with.

H. It is the intent and purpose of this Ordinance that all residential, commercial and industrial properties located in the Township have garbage service.

I. Responsibility for insuring compliance with the provisions of this Ordinance rests on both the owner and occupier of any residential, commercial or industrial property located within the Township. Owners of properties leased to third parties are responsible for insuring that their tenants comply with the provisions of this

Ordinance. Billing regarding such rental properties shall be in the owner's name, but both the owner and the renter are jointly responsible for compliance with the provisions of this Ordinance.

SECTION 7
UNLAWFUL SOLID WASTE

A. It shall be unlawful to keep or allow in or about any dwelling or upon any land or other premises within the Township solid waste of any kind which is obnoxious or offensive by reason of dust or odor, or which attracts insects and vermin, except in covered receptacles. The cover shall be tight and fly-proof; and it shall be unlawful to retain accumulation of any said solid waste so as to constitute a menace to the health and safety, it being a presumption that such a menace exists when more than seven (7) days have elapsed after such solid waste is originally retained, accumulated, or permitted to accumulate; and nothing herein contained shall be construed to permit the retention of any solid waste which is or becomes obnoxious or offensive by reason of dust or odor, or which attracts insects or vermin.

B. No volatile liquids, explosives, radioactive material, or containers which would explode upon contact with heat or fire shall be placed for collection, except small (retail-sold) spray cans.

C. No hazardous waste shall be stored or placed for collection on residential properties except for small quantities of such waste normally found in the household and available on a retail basis to the homeowner.

D. All other solid waste, as defined herein, shall be subject to the applicable provisions of this Ordinance.

SECTION 8
STANDARDS AND REGULATIONS
FOR STORAGE PRIOR TO COLLECTION

A. Every person shall provide sufficient approved containers for receiving and holding appropriate solid waste. Containers shall be kept in a sanitary condition at all times.

B. Garbage (food waste) and rubbish shall be stored in a container which shall have a tight-fitting cover, have suitable handles, be water-tight, and fly-proof, and be able to be carried easily by the collector.

- C. Garbage (food waste) shall be drained of all liquids.
- D. Containers shall be kept tightly covered at all times.
- E. Containers shall be not less than 20 gallons, nor more than 35 gallons in capacity for residential properties.
- F. Containers shall be stored on the owner's property.
- G. Prior to the collection of the solid waste from all properties, the owner or occupier shall place the solid waste in plastic, heavily lined bags which are no more than thirty-two (32) gallon in size and which are properly secured and tied.
- H. The Township specifically reserves the right to modify and to specifically provide for some other receptacle for the handling of solid waste which the governing body may deem to be acceptable, appropriate, and beneficial for handling solid waste material.

SECTION 9
STANDARDS AND REGULATIONS FOR COLLECTION

- A. The Township may license private collectors for the collection of all solid waste generated within the Township.
- B. All properties located within the Township shall engage the services of a township-licensed collection service except that the owners of industrial or commercial properties may provide for the collection and disposal of privately generated solid waste with the permission of the Board of Supervisors and in accordance with Section 9, Paragraph E of this Ordinance.
- C. All licensed collectors shall be required to meet the following collection requirement:
 - All household solid waste shall be collected at least once each week, with the exception of bulky waste and dead animals for which arrangements shall be made in advance with the collector, by the Owner or occupant.
- D. All licensed collectors shall establish and record a regular collection schedule for their customers. If a collection day falls on a holiday, the collector shall notify all its customers concerning when collection will be made, or collect on the next business day.

E. In all respects, the licensed collectors shall comply with all federal, state and local laws or regulations governing solid waste collection, transportation, and disposal.

F. It is the intent of this Ordinance to allow the collection fees charged by the licensed haulers to be a matter of private contract between the licensed haulers and their customers. However, in order to further the purposes of this Ordinance, all licensed collectors must do the following:

1. Grant a discount from the regular collection fee to all residential households which generate one (1) or less garbage bags (32 gallons or less) of solid waste per week.
2. Establish an additional charge for all residential households which generate more than four (4) garbage bags (32 gallons or less) of solid waste per week.
3. The amounts of the discount or additional charges which must be approved by the Board of Supervisors.

SECTION 10
REGULATION OF LICENSED COLLECTORS

A. No person shall collect, remove, haul or convey any solid waste through or upon any of the streets or alleys located in the Township, or dispose of the same in any manner or place without obtaining a license from the Board of Supervisors.

B. All collectors shall be licensed by the Township only upon Resolution of the Board of Supervisors.

C. A fee for such license shall be set by the Township Board of Supervisors on an annual basis, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

D. Every person who shall apply for a license under this section shall state the manner of collection and the place and method of disposal.

E. No license shall be granted if the method of this disposal shall not conform to the requirements of this Ordinance or to the

ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made.

F. No licensed collectors shall make any change in the arrangements for disposal of solid waste without first receiving the approval of the Township Board of Supervisors.

G. It shall be unlawful for unlicensed collectors to collect or remove solid waste from a household, institution, or commercial enterprise, located within the Township.

H. Licensed collectors shall be required to have liability, motor vehicle, and workmen's compensation insurance in amounts approved by the governing body; and the licensed collectors shall provide appropriate certificates thereof, yearly, without demand.

I. All licensed collectors shall be required to provide the Township with a list of their customers which shall be updated with any changes on a monthly basis. Furthermore, all licensed collectors shall annually provide the Township with certification of the place of disposal of the solid waste they collect. Said list of customers shall include the owner of a property if its occupier is a renter.

SECTION 11

COLLECTION VEHICLES, EQUIPMENT, AND PERSONNEL

A. All vehicles used for collection of solid waste shall be equipped with compacting devices or equivalent types of closed bodies and shall have enclosed cargo space, unless such collection is done by private individuals from solid waste generated on private property; at which time, appropriate containers shall be utilized; and all other provisions of this Ordinance affecting such collection shall be adhered to.

B. It shall be unlawful to collect, haul, transport, or convey solid waste in open, unenclosed vehicles, unless such refuse is hauled from private property by the owner; except that open-type vehicles may be used only for the collection of large items of debris which cannot, because of size, be collected by ordinary means, in accordance with the provisions of Section 12A. Furthermore, licensed collectors shall be permitted to use open-vehicles when they are used directly in conjunction with a master truck.

C. Trucks shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary

regulations of the laws of the Commonwealth of Pennsylvania, the County, and the Township.

D. The collector shall furnish proof that he is the owner of the vehicle to be used, or he must produce in writing a lease or rental agreement between the titled owner of the vehicle and the licensed collectors.

E. Vehicles and equipment shall not be overloaded so that garbage or trash may spill or drop on the highways or streets, nor shall the equipment be so designated or maintained so as to permit the leakage of fluids. All trucks shall be regularly cleaned and kept in proper condition and shall bear the name and address of the contractor plainly visible on both cab doors.

F. All vehicles may be inspected by a designated agent of the Township for compliance with the provisions of this Ordinance, prior to the issuance of any license, and may thereafter be inspected every year on or before the anniversary date of said license.

G. Each truck shall be manned by a least one driver and one-helper, except as approved by the Township Board of Supervisors.

H. Each truck shall have at least one broom and shovel to clean up refuse that may be spilled or otherwise scattered during the process of collection.

I. The licensed collectors shall file with the Township Board of Supervisors a list of all vehicles and equipment with identification information thereon. Change in equipment shall be promptly reported to the Township Board of Supervisors so that at all times their records will be correct and accurate.

J. The licensed collectors, at their expense, shall store and park the equipment at a convenient and lawful place. No trucks or equipment may be parked or stored on any street within the Township, except during actual collection.

SECTION 12
STANDARDS AND REGULATIONS
FOR STORAGE AFTER COLLECTION

A. All storage of solid waste after collection and before disposal shall only be into transfer stations which conform to the regulations of the Commonwealth of Pennsylvania, the County of Fayette, and the Township. The only exception shall be full or

partially-full collection vehicles which have made a final pick up for the day. In no case shall such collection vehicles be permitted to hold solid waste longer than 24 hours.

B. All plans and specifications for transfer stations shall be submitted for approval and permit issuance to the Township, the County of Fayette, and to the Commonwealth of Pennsylvania. A permit must be received from the Commonwealth before operation commences.

C. All storage of solid waste in transfer stations shall be limited to no more than 48 hours.

D. Operators of transfer stations must submit to the Township a contingency plan for the disposition of solid waste which is not able to be removed from the site within 48 hours because of an emergency situation.

SECTION 13 STANDARDS AND REGULATIONS FOR DISPOSAL

A. It shall be unlawful for any collector to dump, process, destroy, bury, or otherwise dispose of solid waste within the jurisdictional limits of the Township except at facilities approved and permitted by the Township, the County of Fayette, and the Pennsylvania Department of Environmental Protection.

B. All licensed collectors shall dispose of the solid waste from the Township at a sanitary landfill, incinerator, waste-to-energy plant, or other facility approved and permitted by the Pennsylvania Department of Environmental Protection.

C. All disposal regulations at the designated disposal site shall be adhered to by the licensed collectors.

D. All vehicles used for collection shall use, insofar as practical, state highways when proceeding to and from the designated disposal site, except when using roads and streets in those townships or boroughs where licensed to collect.

SECTION 14 STANDARDS AND REGULATIONS FOR PROCESSING METHODS

A. All solid waste processing shall be by approved methods in properly permitted facilities, including, but not limited to, incinerators, compost plants, and salvage operations, conforming to

all the applicable laws, ordinances, regulations and zoning requirements.

B. All plans and specifications shall be approved by the Commonwealth prior to the construction and operation of such processing facilities.

C. All incinerators shall be operated so that pollution of the air will not exceed the air quality standards established by the Pennsylvania Department of Environmental Protection.

D. Residues or discards from the processing facility shall be disposed of at a Pennsylvania Department of Environmental Protection permitted facility.

SECTION 15
PROHIBITED ACTIVITIES

A. It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal except as may be provided for in the Township's solid waste rules and regulations promulgated under this Ordinance.

B. It shall be unlawful for any person to salvage or reclaim any solid waste except at a properly permitted facility in which salvage is an integral plan of operation.

C. It shall be unlawful to make garbage available for animal consumption unless such refuse has been heat-treated to kill any disease agent therein.

D. It shall be unlawful for any person to use, maintain, or operate an open dump.

E. 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, public or private property except as provided in this Ordinance.

SECTION 16
REGULATIONS

The collection of solid waste in the Township and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Township Board of Supervisors.

SECTION 17
INSPECTION PROCEDURES

A. All containers, vehicles, equipment, transfer stations, disposal sites, books and records of authorized, unauthorized or prospective collectors, storers, processors, and disposers are subject to the inspection at any reasonable hour without prior notice.

B. Vehicles and equipment of licensed collectors shall be inspected before being put into operation and during operation.

C. All solid waste storage, transfer, processing, or disposal facilities within the Township shall also be inspected immediately prior to commencement of operation of the site and at least once per year thereafter in concert with representatives of the Commonwealth.

SECTION 18
INSURANCE

Prior to the operation of any solid waste storage, transfer, processing, or disposal facility within the Township, the applicant shall be required to present evidence of acceptable insurance coverage.

SECTION 19
SCAVENGING

Scavenging, as defined herein, is prohibited and shall be considered a violation of this Ordinance.

SECTION 20
INJUNCTIVE POWERS

The Township may petition the Court of Common Pleas of Fayette County for an injunction, either mandatory or prohibitive, to enforce any provision of this Ordinance.

SECTION 21
PENALTIES

A. Any person or entity who violates any provision of this Ordinance is guilty of a summary offense which is punishable before a local district judge, by a fine of \$600.00, or by imprisonment for a period not exceeding thirty (30) days, or both. Each day of violation is a separate and distinct offense. The fine and period of

incarceration shall be in accordance with Pennsylvania statutory law which may be amended or revised from time to time.

B. The Township Board of Supervisors shall have the right, at any time, and without refund of any part of the license fee, to suspend or revoke the license of any private collector for any of the following causes:

1. False or misleading statements in the application for a license;
2. Lapse or cancellation of insurance coverage;
3. Collecting or transporting refuse in a careless or negligent manner resulting in dirt, odor, or any unsanitary condition;
4. Failure to deposit solid waste at a Department of Environmental Protection-approved disposal site in compliance with all disposal regulations in force at the approved site; and
5. A violation of any part of this Ordinance or any of the Ordinances of the Township, or any applicable State or County Laws.

SECTION 22

SEVERABILITY CLAUSE

The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences be held illegal, invalid, or unconstitutional, such illegality, invalidity, or unconstitutionality shall not affect or impair any of the remaining sections, clauses, or sentences of this Ordinance.

SECTION 23

REPEALER CLAUSE

This Ordinance is intended to repeal such prior ordinances, resolutions, and regulations of the Township which are specifically inconsistent herewith.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Perry in lawful session assembled, this 15th day of July, 2008.

TOWNSHIP OF PERRY

By: [Signature]
Andrew J. Boni, Chairman

By: [Signature]
Janet L. Galla, Vice Chairman

ATTEST:

[Signature]
Janet L. Galla, Secretary

(SEAL)

I do hereby certify the foregoing Ordinance was advertised in the Herald-Standard on the 20th day of June, 2008, a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth at a regular meeting of the Perry Township Supervisors held on the 15th day of July, 2008.

[Signature]
Janet L. Galla, Secretary