

MUNICIPALITY: PENN TOWNSHIP
SNYDER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2008- 03

STORAGE AND DISPOSAL OF MUNICIPAL SOLID WASTE ORDINANCE

PRESENTED ON: _____

ADOPTED ON: July 15, 2008

AN ORDINANCE providing for the health, safety, and welfare of Penn Township by regulating the storage and disposal of municipal solid waste and providing for penalties for violations of this ordinance.

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the "Penn Township Municipal Solid Waste Storage and Disposal Ordinance" or "Ordinance".

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely directory.

Exterior Property: The open space on any premises.

Hazardous Waste: Waste as defined in 25 Pa. Code §271.1, disposal of which is subject to the regulations under the PA Solid Waste Management Act and the federal Resource Conservation and Recovery Act (RCRA).

Hauler: Any owner of a waste transportation vehicle licensed under Pennsylvania Act 90 and/or any owner of a waste transportation vehicle who for a fee removes municipal waste from premises and transports it to a licensed disposal facility.

Municipal Solid Waste (also Municipal Waste) (as defined under 25 Pa. Code §271.1): any garbage, refuse, industrial lunchroom, or office waste, and any other material, including solid, liquid, semi-solid, or contained gaseous material, resulting from the operation of residential, municipal, commercial, farm, industrial, or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, farm, industrial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. Excluded is any material meeting the definition of residual waste or of hazardous waste and any source-separated recyclable material.

Occupant: A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Owner: Any person, agent, operator, firm, or corporation having a legal or equitable interest in real estate in Penn Township or otherwise having control of the property, including the guardian of an estate of such person and the executor or administrator of the estate of such person.

Premises: A lot, plot, or parcel of land, including any structures thereon.

Refuse: All municipal solid waste according to the definition above that is accepted for disposal by the Lycoming County Landfill. Items not accepted for disposal or not accepted for disposal without prior approval include but are not limited to: hazardous waste, residual waste, source-separated, recyclables, friable asbestos waste, liquid wastes in containers greater than one gallon (paint cans shall be open and the paint dried or absorbed by kitty litter and disposed of), car batteries and rechargeable batteries. For the purposes of this ordinance, refuse is the municipal solid waste that may be removed from premises within the Township by being collected by a licensed hauler or otherwise transported to a licensed disposal facility.

Residual Waste (as defined under 25 Pa. Code §271.1 and pertinent to this ordinance): Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining, and agricultural operations; and sludge from an industrial, mining, or agricultural water supply treatment facility, waste water treatment facility, or air pollution control facility, if it is not hazardous.

Township: The governmental jurisdiction and legal entity of the Township of Penn, Snyder County, Pennsylvania.

SECTION 3. ACCUMULATION OF MUNICIPAL SOLID WASTE PROHIBITED

Municipal solid waste that is not stored as specified below is prohibited from accumulating on all exterior property of any premises within Penn Township.

SECTION 4. STORAGE OF MUNICIPAL WASTE

Municipal waste generated or accumulated on any premises within the Township shall be stored in containers until such time it is removed from the premises by a hauler, transported to a disposal facility permitted by DEP, or otherwise disposed of as required by state and federal regulations. It is the responsibility of the owner of any premises to ensure that such containers are provided and kept on the premises at all times. Containers used for the storage of municipal waste shall be watertight, leakproof, plastic or metallic cans or dumpsters or durable plastic bags. It is the responsibility of the owner of any premises to ensure that all containers are kept in good repair and sanitary condition. No container shall be so filled that it cannot be tightly closed.

SECTION 5. DISPOSAL OF REFUSE AND OTHER MUNICIPAL SOLID WASTE

The owner of any premises shall ensure the disposal of refuse generated or accumulated on the premises by one or both of the following means: 1) by contracting or ensuring that the occupant(s) of the premises has contracted with a licensed hauler (or hauler) to have the refuse removed and transported to a permitted disposal facility 2) by transporting or ensuring that the occupant(s) of the

premises transports the waste to a permitted disposal facility. It is herein further required that the interval of time between the collections of stored refuse by a hauler or between removals of stored refuse by the owner or occupant of any premises for transport to a licensed disposal site shall not be of such length that, for a period of more than one day, containers cannot be tightly closed, that there is an accumulation of more than three plastic bags, or that there is an accumulation of more than two plastic bags in addition to any storage containers. Municipal solid waste other than refuse shall be disposed of as required by township, state, or federal regulations.

SECTION 6. NOTICE TO COMPLY

When the enforcement agent of the Township observes noncompliance with the provisions of this ordinance on any premises within the Township, the agent shall issue a written notice of noncompliance to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises. Said notice shall specify the observed noncompliance and request proof that the owner or the occupant(s) of the premises has a current contract with a licensed hauler to dispose of refuse generated on the premises or that the owner or occupant of the premises is transporting the refuse generated on the premises to a permitted disposal site on a regular basis. Proof of the latter disposal method shall consist of copies of the weight tickets from the disposal facility. Such copies shall be retained for one year after their issuance. If the owner of any premises to whom a notice of noncompliance has been sent fails to provide proof as specified above and that is deemed adequate in the judgment of the Township's enforcement agent, the enforcement agent shall require that a contract with a licensed hauler be obtained and proof provided or that proof of disposal at a permitted disposal facility for a period of time to be determined by the enforcement agent be subsequently provided. If it is the determination of the Township's enforcement agent that, adequate proof as specified above notwithstanding, more frequent disposal is necessary to prevent the accumulation of solid waste on the exterior of any premises as prohibited above, the agent may require more frequent disposal and may subsequently require proof that collection by a licensed hauler on a more frequent basis has been contracted for or that disposal at a permitted disposal site on a more frequent basis is taking place.

SECTION 7. REGISTRATION/PERMITTING OF HAULERS

Any hauler picking up municipal waste from any property in the Township shall be required to register annually with the Penn Township Supervisors. Such registration shall be obtained by any hauler submitting the required permit application and application fee (said application and fee to be approved by the Township Supervisors). Any such hauler described in this section shall be required to submit such application and fee no later than January 31 of any year in which they may so operate within the Township. In the event that any hauler begins to so operate within the Township at any time during any year, such application and fee shall be submitted to the Township no later than 30 days after the hauler commences business activities within the Township. (This section and the Ordinance shall not apply to any haulers solely passing through the Township who do not pick up any municipal waste from any properties located within the Township.)

SECTION 8. VEHICLES OF HAULERS

All vehicles utilized by any hauler for the picking up of municipal waste from any property in the Township shall be enclosed structures appropriate for hauling such municipal waste. The container

portion of the vehicle shall not be 'open' or configured in such a way as to permit municipal waste from escaping from the vehicle while the vehicle is utilized in normal operating manner.

SECTION 9. DUTIES OF HAULER

Any hauler picking up municipal waste in the Township shall be required to advise the Township in writing within 72 hours after request from the Township as to whether an owner or occupant of any premises within the Township has a current contract for the collection of municipal waste from the premises. Furthermore, all haulers shall cooperate with the agent of the Township in providing information in the event that an action is instituted to enforce the terms and conditions of this ordinance. In the event that any municipal waste is spilled while the hauler is in the process of picking up such waste, or while transporting the waste, or otherwise while under the control of any hauler, said hauler shall be responsible for the immediate clean-up of said waste, including the cost thereof.

SECTION 10. HEARING

Any person aggrieved by the decision of the enforcement agent of the Township may request and shall then be granted a hearing before the Penn Township Board of Supervisors provided that a written petition requesting such a hearing and setting forth the grounds therefore is filed at the Township office within ten (10) days after notice of the enforcement agent's decision. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause. After such a hearing, the Penn Township Board of Supervisors shall sustain, modify, or overrule the action of the enforcement agent.

SECTION 11. VIOLATIONS AND PENALTIES

Any person who shall violate the terms or conditions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than \$300 and/or imprisonment for a term not to exceed 90 days, or both. Each day that a violation continues after notice of the violation has been served shall be deemed to be a separate offense.

SECTION 12. EXCLUSIONS

- A. Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure of other farm-produced agricultural waste not otherwise prohibited or regulated for land applications. All such practices must be conducted in compliance with applicable township, state, and federal laws and regulations as may be in effect.
- B. Notwithstanding the terms of this ordinance, compost piles kept by occupants of a premises shall not violate the terms and conditions of this ordinance, provided that the materials in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the materials from the compost piles around the premises.
- C. The provisions of this ordinance do not apply to anything but the storage and disposal of municipal solid waste and do not apply therefore to hazardous or residual waste as defined as defined under 25 Pa. Code §271.1 and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable township, state, and federal laws and regulations as may be in effect.

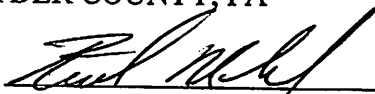
SECTION 13. SEPARABILITY

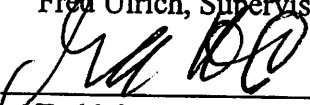
If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory agency having jurisdiction, such portion shall be deemed a separate, distinct or independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

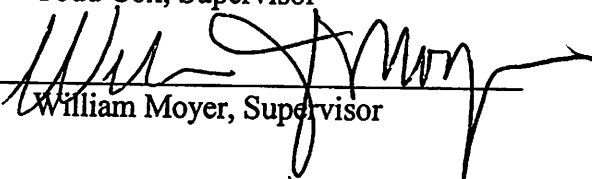
SECTION 14. ENACTMENT & EFFECTIVE DATE

This Ordinance is hereby duly executed and ordered into law this 1st day of July, 2008. This Ordinance shall be effective on January 1, 2009.

PENN TOWNSHIP
SNYDER COUNTY, PA

By: 
Fred Ulrich, Supervisor

By: 
Todd Cox, Supervisor

By: 
William Moyer, Supervisor