

ORDINANCE NO. 87-3

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, PROVIDING FOR THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS BY REGULATING THE COLLECITON, STORAGE, TRANSPORTATION, PROCESSING, AND DISPOSAL OF SOLID WASTE; PROVIDING FOR AUTHORIZATION OF WASTE COLLECTORS AND CHARGES; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF.

Be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I - TITLE

Section 1.1. This Ordinance shall be known as the Union Township Municipal Solid Waste Ordinance.

ARTICLE II - DEFINITIONS

Section 2.1. The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section.

"Applicant" means a person desirous of being authorized as a "Collector".

"Collector" means a person authorized by the County with the approval of the Township of Union to collect, transport, and dispose of municipal waste.

"Commercial Hauler" means a person, company, partnership or corporation which engages in the business of collecting and transporting solid waste for compensation or consideration.

"Compost" shall mean a process of controlled biological decomposition of organic materials, producing a stable, aerobic humus-like products.

"County" means the Board of County Commissioners of Lycoming County, Pennsylvania, and/or the Lycoming County Solid Waste Department thereof.

"Disposal" means the incineration, deposition, injections, dumping, spilling, leaking, or placing of municipal waste into or on the land or

water in a manner that the solid waste or a constituent of solid waste enters the environment, is omitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

"Disposal Area" means any site, location, area, incinerator, resource recovery facility, or premises to be used for the ultimate disposal of municipal waste.

"Institutional Establishment" means any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools, and universities.

"Management" means the entire process, or any part thereof, of storage, collection, transportation, processing, treatment, and disposal of municipal wastes by any person engaging in such process.

"Municipal waste" means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste as defined in the Pennsylvania Solid Waste Management Act (35 P.S. §6018.101 et seq.) from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

"Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government and agency, State institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

"Processing" means any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

"Regular" means at least two (2) or more times per month.

"Refuse" means all materials which are discarded as useless.

"Residual waste" means any garbage, refuse, or 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 water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act". "Residual waste" 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 Clean Streams Law".

"Solid Waste" means any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

"Storage" means the containment of any 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 waste in excess of one (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

"Township" shall mean the Township of Union, Union County, Pennsylvania, and its governing body, the Board of Supervisors, or its officials thereof.

"Transportation" means the off-site removal of any municipal waste at any time after generation.

ARTICLE III - DUMPING

Section 3.1. It shall be unlawful for any person to store, dispose, dump, discard, or deposit, or permit the storage, dumping, discarding or depositing of, any municipal waste upon the surface of the ground or underground within the jurisdictional limits of this Township, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit it being placed in such containers.

This Section is not intended to prohibit the use of a properly maintained home compost pile.

Section 3.2. It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of this Township.

Section 3.3. Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling solid waste for profit, from hauling such solid waste on an irregular and unscheduled basis, so long as such hauling and disposal is in accordance with the ordinances of this Township and is permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

Section 3.4. Nothing contained in this Ordinance shall prohibit a farmer or gardener from carrying out the normal activities of his farming or gardening operation, including composting and spreading manure or other farm-produced agricultural wastes.

ARTICLE IV - AUTHORIZATION OF COLLECTORS

Section 4.1. It shall be unlawful for any person, other than such persons as are duly authorized by the County with the approval of this Township, to collect and transport solid waste of any nature as a regular hauling business within or from the Township. Authorization shall be given only as set forth hereinbelow.

Section 4.2. The County with the approval of the Township shall authorize by issuance of a business license such hauler(s) to collect and transport all wastes in this Township. All applications for licensing shall be reviewed by the Department of Solid Waste of Lycoming County as license issuing agency for the Township and shall be approved in accordance with the following criteria:

A. Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this Ordinance and the rules and regulations established by the County Solid Waste Department.

B. At the time of application submission, the applicant shall indicate that he has the appropriate type of sanitary, watertight, closed or covered truck with which to collect municipal wastes and shall provide evidence that he carries sufficient liability insurance on the vehicle.

C. Licenses shall be issued on a fiscal year basis, but may be revoked at any time by the Township and the Lycoming County Solid Waste Department General Manager for just cause in accordance with the rules and regulations adopted by the Board of County Commissioners and pursuant to the rules and regulations of the Department of Environmental Resources.

D. Fees for such licenses shall be paid by the applicant to the County Solid Waste Department and said fees shall be on the basis of cost and covered in the rules and regulations of the County Solid Waste Department.

ARTICLE V - PREPARATION AND STORAGE OF SOLID WASTE

Section 5.1. The storage of all solid waste shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance.

Section 5.2. Any person accumulating or storing garbage on private or public property in the Township of Union for any purpose whatsoever (including waste being stored temporarily for ultimate disposal in a bulk container, as well as waste being stored for door-to-door collection) shall place the same or cause the same to be placed in sanitary closed or covered containers, which shall be leakproof approved containers equipped with close or tight fitting covers for the purpose of storage of such garbage until removed from the premises for disposal.

Section 5.3. Solid waste to be collected on a door-to-door basis shall be prepared for such collection in a manner agreed upon by the property owner and hauler.

Section 5.4. Solid waste of a highly flammable or explosive nature, or highly infectious or contagious wastes shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the Commonwealth of Pennsylvania, Department of Environmental Resources.

ARTICLE VI - COLLECTION AND COLLECTION CHARGES

Section 6.1. Solid waste to be collected by a licensed hauler shall be prepared for and collected at sufficient intervals to protect the general health, safety and welfare of the neighborhood.

Section 6.2. Any person or commercial establishment authorized to dispose of their own waste shall provide for collection at intervals short enough to prevent accumulations of waste that may be unsafe, unsightly, or potentially harmful to the public health, and all such waste, including rubbish, garbage and other refuse, shall be properly kept inside temporary storage facilities, which shall be any adequate mechanical food waste grinder, an approved incinerator unit in the structure, or an approved container as set forth in Section 5.2 of this Ordinance.

Section 6.3. All agreements for collection, transportation and disposition of solid waste collected on a door-to-door basis shall be by private contract between the person and the collector.

ARTICLE VII - TRANSPORTATION OF SOLID WASTE

Section 7.1. Any person transporting solid waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

ARTICLE VIII - DISPOSAL OF SOLID WASTE

Section 8.1. All solid waste produced, collected, and transported from within the jurisdictional limits of the Township shall be, to the extent permitted by law, disposed of at the Lycoming County Solid Waste System unless otherwise controlled and permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

Section 8.2. It shall be unlawful for a licensed or authorized collector in the Township to dispose of solid waste collected within the Township at a place other than the facilities designated in the Solid Waste Management Plan of the municipality, as approved by the Department of Environmental Resources.

Section 8.3. The disposal of bulky wastes, such as, but not limited to, refrigerators, stoves, other appliances, pieces of furniture, auto parts, and other household goods and equipment, shall be performed by commercial or private collection unless a clean up campaign by the Township shall prescribe the manner of such collection and disposal.

ARTICLE IX - PENALTIES AND REMEDIES

Section 9.1. Any person violating any of the provisions of this Ordinance or failing to comply with the requirements hereof shall be guilty of a summary offense and shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution, and/or be imprisoned for a period of not more than thirty (30) days. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this Section for each and every such separate offense.

Section 9.2. In addition to the foregoing penalty, the Township may require the owner or occupier of a property to remove any accumulation of solid waste and should said person fail to remove the same within ten (10) days after written notice to do so, the Township may cause the same to be done and collect the costs thereof, together with a penalty of ten (10%) percent of such costs, in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by bill of equity.

Section 9.3. It is hereby designated that the Township official to whom all notices under this Ordinance are to be given is either the Union Township Secretary or the Chairman of the Union Township Board of Supervisors and

addressed to the Winfield Fire Hall, Winfield, Pennsylvania 17889; and by whom all provisions of this Ordinance are to be enforced is the Union Township Board of Supervisors.

ARTICLE X - GENERAL PROVISIONS

Section 10.1. The Township shall enter into an agreement with the County of Lycoming for the disposal of municipal solid waste, and the Supervisors of Union Township are hereby authorized to execute such agreement on behalf of the Township.

Section 10.2. The Board of Supervisors of the Township of Union recognize that it is in the public interest to encourage the pursuit of resource recovery, including the separation of recyclable materials at the source of generation. To this end, specific standards may be prescribed in the future if necessary.

Section 10.3. If any section, paragraph, subdivision, subsection, sentence, clause, phrase, or provision of this Ordinance shall be judged invalid or unconstitutional by any court of competent jurisdiction for any reason, such adjudication shall apply only to the section, paragraph, subdivision, subsection, sentence, clause, phrase, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 10.4. This Ordinance shall be subject to all applicable federal, state and local laws, ordinances, rules and regulations, including the rules and regulations as set forth by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

Section 10.5. This Ordinance, or any part thereof, may be amended from time to time in accordance with the procedures established by law.

Section 10.6. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 10.7. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Union, Union
County, Pennsylvania, this 6 day of October, 1987.

ATTEST:

TOWNSHIP OF UNION
BOARD OF SUPERVISORS

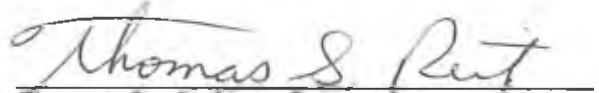


Harold W. Bennett, Secretary

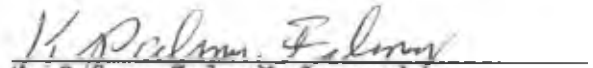
(SEAL)



R. Nelson Poe, Chairman



Thomas S. Reitz, Supervisor



K. Palmer Felmeý, Supervisor