

ORDINANCE NO. 2008- 1

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION AND REGULATION OF MUNICIPAL SOLID WASTE AND PRESCRIBING PENALTIES FOR VIOLATION 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:

Section 1. Title. This Ordinance shall be known as the "Municipal Solid Waste Ordinance."

Section 2. Definitions. As used in this Ordinance, the following words shall be defined as follows:

"Exterior Property" – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

"Licensed Hauler" – Any owner of a waste transportation vehicle licensed under Pennsylvania Act 90 or any amendment thereof.

"Owner" – Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Township of Union 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.

"Municipal Waste" – Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this Section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

"Person" – An individual, corporation, partnership or other group acting as a unit.

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

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

"Yard" – An open space on the same lot with a structure.

Section 3. Accumulation of Rubbish or Garbage Prohibited. All exterior property and premises shall be free from any accumulation of municipal waste.

Section 4. Method of Disposal. The occupants of a structure shall dispose of all municipal waste in a clean and sanitary manner.

Section 5. Containers Required. The owner of any premises shall supply leak-proof, covered, outside garbage containers of sufficient number so that all garbage and refuse of all of the occupants of the premises can dispose of their municipal waste in a garbage container and so that no municipal waste is stored by any occupant of the premises outside of a garbage container which is not intended to be removed as provided in Section 7 of this Ordinance.

Section 6. Storage of Municipal Waste. The owner of any premises shall provide at all times leakproof, covered, outside containers for the storage of municipal waste until such time as the municipal waste is removed from the premises for disposal.

Section 7. Removal by Owners and Licensed Haulers. Every owner in the Township of Union shall either remove all the municipal waste generated on the premises by any of the occupants of the premises and deposit such municipal waste in a permitted landfill on a weekly basis or more often or contract with an individual, entity or firm which is a licensed hauler by the Commonwealth of Pennsylvania to have all the municipal waste generated on the premises by any of the occupants of the premises removed and deposited in a permitted landfill on a weekly basis or more often.

Section 8. Proof of Contract Required. Whenever requested by the Township of Union, the owner of any premises within the Township shall present proof adequate in the judgment of the Township designee that the owner of said premises is disposing of municipal waste generated on the premises on a weekly basis or more often or has a current contract with a licensed hauler to dispose of municipal waste generated on the premises on a weekly

basis or more often. The owner of the premises shall have seventy-two (72) hours to provide proof to the Township designee that such owner is disposing of such municipal waste or has a current contract with a licensed hauler to provide sufficient service to satisfy the provisions of this Ordinance.

Section 9. Duties of Haulers. Any hauler picking up municipal waste in the Township of Union shall be required to advise the Township in writing within seventy-two (72) hours after the request of the Township as to whether an owner has a current contract for municipal waste disposal from the owner's premises within the Township. Furthermore, all licensed haulers shall cooperate with the Township designee in providing information in the event that an action is instituted to enforce the provisions of this Ordinance.

Section 10. Violations and Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and/or to imprisonment for a term not to exceed ninety (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 11. Compost Piles. Notwithstanding the provisions of this Ordinance, compost piles kept by occupants or tenants of a structure shall not violate the provisions 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.

Section 12. Severability. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 13. Repeal. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 14. Effective Date. 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 3rd day of June, 2008.

ATTEST:

TOWNSHIP OF UNION:

Shirley L. Doyle
Shirley L. Doyle, Township Secretary

By: R. Nelson Poe
R. Nelson Poe, Chairman

Thomas R. Reitz
Thomas R. Reitz, Supervisor

(SEAL)

Kermit P. Felmey
Kermit P. Felmey, Supervisor