

MANOR TOWNSHIP, ARMSTRONG COUNTY
PENNSYLVANIA
MUNICIPAL SOLID WASTE ORDINANCE
2016-4

AN ORDINANCE OF THE TOWNSHIP OF MANOR, ARMSTRONG COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING AND BURNING OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID MUNICIPALITY, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE; REQUIRING THAT ALL GARBAGE, RUBBISH, AND OTHER REFUSE BE CONVEYED TO A TRANSPORTATION, PROCESSING OR DISPOSAL FACILITY DESIGNATED BY THE MUNICIPAL OFFICIALS; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS ONLY BY PADEP LICENSED COLLECTORS IN SAID MUNICIPALITY; THE ESTABLISHMENT OF FEES AND CHARGES FOR THE COLLECTION OF GARBAGE, RUBBISH AND REFUSE IN SAID MUNICIPALITY; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, pursuant to the authority vested to the municipality by the Pennsylvania Solid Waste Management Act of 1980 (Act 97), and the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), the Township of Manor is desirous of enacting an Ordinance regulating the storage, collection, and transportation of rubbish, refuse, and garbage in the municipality,

NOW, THEREFORE, the Township of Manor, Armstrong County, Pennsylvania hereby enacts and ordains as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and referred to as the "Solid Waste Ordinance".

SECTION II: DEFINITIONS

The following words and phrases as used in this Ordinance shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

Act 97 -The Pennsylvania Solid Waste Management Act of 1980 (P L 380, No. 97, July 7, 1980)

Act 101 - The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act No. 101, July 28, 1988)

Agricultural Waste -means 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 such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands, and shall include brush and stumps.

Bulky Waste - means 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.

Commercial Establishment - means any establishment engaged in non-manufacturing or non-processing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

Composting - means the storage of vegetable wastes on the property where they were generated, for the purpose of creating aerobic digestion and returning organic nutrients to the soil.

Construction and Demolition Waste - means all municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

Department - shall mean the Pennsylvania Department of Environmental Protection.

Disposal - means 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 of Pennsylvania.

Domestic Waste or Household Waste - means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage - means any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Hauler or Private Collector - means any person, firm, co-partnership, association or corporation who has been licensed by the PADEP to collect, transport, and dispose of refuse for a fee as herein prescribed.

Hazardous Waste - means any solid waste or combination of solid wastes, as defined in Act 97 or 101 which because of its quantity, concentration or physical, chemical, or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Industrial Establishment - means any establishments engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

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

Municipal Waste - means 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 under Acts 97 or 101 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution

control facility. The term does not include any source-separated recyclable materials or material approved by the PADEP for beneficial use. For the purposes of this Ordinance, the term "Municipal Waste" shall not include infectious and chemotherapeutic waste since all haulers of infectious and chemotherapeutic waste are licensed and regulated by the PADEP under special regulations.

Municipality - shall mean the Township of Manor, Armstrong County, Pennsylvania.

Municipal Waste Landfill - Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the PADEP for such purposes.

Person - means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, state institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this ordinance 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.

Processing - means any technology used for the purpose of reducing the volume or bulk of municipal or residual 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, sludge treatment facilities and resource recovery facilities.

Recycling - means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanical separation and treatment of municipal waste (other than combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Refuse - means all solid waste materials which are discarded as useless.

Residual Waste - means 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 water supply treatment facility, wastewater 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".

Rubbish - means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

Scavenging - means the unauthorized and uncontrolled removal of material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

Sewage Treatment Residues - shall mean any coarse screenings, grit and de-watered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Acts 97 and 101.

Solid Waste - means any waste, including, but not limited to, municipal, residual or hazardous wastes,

including solid, liquid, semisolid or contained gaseous material.

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 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

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

Transfer Station - means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

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

SECTION III: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Municipality, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provision of this Ordinance, and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
2. It shall be unlawful for any person to burn any solid waste within the Municipality except in accordance with the provisions of this Ordinance, and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
3. It shall be unlawful for any person to dispose of any solid waste in the Municipality except in accordance with the provisions of this Ordinance and any rules of the Township of Manor, Armstrong County or Department rules and regulations adopted pursuant to Act 97 and Act 101.
4. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Municipality without prior approval by the Municipality.
5. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Municipality except at an approved and permitted resource recovery facility under Act 97 and Act 101, and any Department rules and regulations adopted pursuant to these acts.
6. 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 within the Municipality except as provided in the Ordinance.
7. It shall be unlawful for any person to place a used lead acid battery in mixed municipal solid waste, discard, or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth.

SECTION IV: STANDARDS FOR STORAGE OF SOLID WASTE

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
2. Any person producing municipal waste shall provide a sufficient number of secure containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
3. All municipal waste shall be stored in containers. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:
 - a) Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weather-proof, insect-proof, and rodent-proof.
 - b) Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.
 - c) Disposable plastic bags or sacks are acceptable containers provided the bags are designated for waste disposal.
4. Any person storing municipal waste for collection shall comply with the following storage Standards:
 - a) Containers shall be used and maintained so as to prevent public nuisances.
 - b) With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner's or customer's premises at all times.
 - c) 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 rodents, safety hazards and fire hazards.
5. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Ordinance. They type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Municipality.

SECTION V: STANDARDS AND REGULATIONS FOR COLLECTION AND TRANSPORTATION

1. All households, homeowners and commercial establishments and other entities shall utilize the services of a licensed collector of their choice for disposal of their domestic waste or household waste, unless they can demonstrate that the waste is properly disposed in a manner consistent with this Part and all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
2. All residential garbage and rubbish shall be collected at least once a week.
3. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The Municipality reserves the right to require more frequent collection when deemed necessary.
4. Private collectors shall comply with the following standard and regulations:
 - a) All municipal waste collected within the Municipality shall be conveyed by the hauler to a contractually agreed upon processing facility permitted by the PADEP.
 - b) All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
 - c) Collection vehicles for rubbish and other non-putrescible solid waste shall be capable of being enclosed or covered to prevent roadside littering and other nuisances.
 - d) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
 - e) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

SECTION VII: EXCEPTIONS

1. Nothing in this ordinance shall be deemed to prevent a landowner or occupier from creating and maintaining a compost pile provided it is formed entirely from vegetable wastes, is maintained so as to be digested from aerobic bacteria only, and in a manner which neither causes pollution nor is offensive to neighbors of reasonable sensibilities.
2. Nothing in this ordinance shall be deemed to prevent the disposal of agricultural waste upon an active farm, by burning, burial, or composting provided that such disposal is conducted in a manner not to cause pollution of the air or water, so as not to interfere with the neighbor's use of their land.

SECTION VIII: ADMINISTRATIVE APPEALS

1. All appeals shall be made in writing to the governing body of the Municipality.
2. Pending a reversal or modification, all decisions of the Municipality shall remain effective and enforceable.
3. Any person who is aggrieved by a new standard, regulation, determination or assessment 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.
4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested, within twenty (20) days after receipt of the notice of appeal, the Municipality shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. 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.

SECTION IX: INJUNCTION POWERS

The Municipality may petition the Court of Common Pleas.

SECTION X: PENALTIES

Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$50.00, nor more than \$500.00, or in default of payment of such fine, then by imprisonment for a period of not more than 30 days, or both. Each day of violation shall be considered a separate and distinct offense.

SECTION XI: SEPARABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

SECTION XII: CONFLICT

Any ordinances or any part of any ordinance which specifically conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION XIII: EFFECTIVE DATE

The Ordinance shall take effect on:

ENACTED AND ORDAINED into an Ordinance this 1st day of June 2016.

MANOR TOWNSHIP

By:

ATTEST

Jill A. Davis, Secretary

Paul Rearick, Chairman

Robert Q. Southworth, Vice-Chairman

Donald W. Palmer, Jr., Supervisor