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AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF MARION TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, BY REGULATING THE COLLECTION, STORAGE, TRANSPORTATION, REMOVAL, PROCESSING, DUMPING, DEPOSIT, AND DISPOSAL OF ASHES, GARBAGE, RUBBISH, AND OTHER, REFUSE AND MUNICIPAL SOLID WASTES GENERATED OR PRESENT WITHIN THIS MUNICIPALITY; PROVIDING FOR AUTHORIZATION OF MUNICIPAL WASTE COLLECTORS, LICENSING, AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, located in the County of Centre and the Commonwealth of Pennsylvania as follows:

WHEREAS, the management and control of the storage, collection, transportation, removal, processing and disposal of solid waste is an integral function of the government of this municipality within the exercise of its police power and related to the public health and general welfare of the citizens of this municipality and as the same affects the environment of this municipality; and

WHEREAS, under the Solid Waste Management Act, Act No. 97, P.L. 380, approved July 7, 1980, as amended, and the rules and regulations of the Pennsylvania Department of Environmental Resources with respect to said Act, certain municipalities are and can become responsible for the storage, collection, transportation, removal, processing and disposal of municipal waste which is generated or present within the boundaries of such municipality and each such municipality is responsible for implementing its solid management plan as approved by said Department of Environmental Resources; and

WHEREAS, pursuant to the laws of Pennsylvania, particularly the provisions of the Solid Waste Management Act, Act No. 97, approved July 7, 1980, P.L. 380, this municipality, intending to carry out said responsibilities, desires hereby to establish rules, regulations and standards for the storage, collection, transporting, removal, processing and disposal of ashes, garbage, rubbish and other refuse materials and municipal waste generated or present within the boundaries of this municipality which are not less stringent than, and not in violation of, the rules and regulations of said Department of Environmental Resources with respect to the same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Supervisors of Marion Township, located in the County of Centre and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. SHORT TITLE. This ordinance shall be known and may be cited as Municipal Solid Waste Ordinance of Marion Township.

SECTION 2. DEFINITIONS. For the purpose of this Ordinance the following terms and words shall have the meaning given herein, unless the context clearly indicates otherwise; words used in the present tense include the future tense, words in the plural number include the singular number, and conversely, words in the singular number include the plural number:

The term "Authority" shall mean the Centre County Solid Waste Authority.

The term "Collector" shall mean any person the Municipality may license or designate by contract to collect municipal waste within the Municipality.

The term "commercial establishment" shall mean any establishment engaged in a non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theatres.

The term "disposal" shall mean the incineration, disposition, injection, dumping, spilling, leaking, or placing of solid waste into or on 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.

The term "garbage" shall mean all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods; and all refuse of animal or vegetable matter which has been used for, or was intended to be used for, food for human or animal consumption.

The term "hazardous" or "hazardous waste" shall have the meaning defined and described in Pennsylvania's Solid Waste Management Act, Act No. 97, P.L. 380, approved July 7, 1980, as heretofore and hereafter amended, or in any subsequent similar statutes, and the rules and regulations of the Commonwealth heretofore and hereafter promulgated.

The term "industrial establishment" shall mean any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

The term "municipal waste" shall mean any garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities, and any sludge not meeting the definition of residual waste or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

The term "Municipality" shall mean a municipality organized and existing under the laws of the Commonwealth of Pennsylvania and located in the County of Centre in said Commonwealth.

The term "occupant" shall mean the person generally in possession and control of any dwelling unit or premises.

The term "person" shall mean and include every natural person, firm, partnership, association, corporation, joint stock company, trust, unincorporated organization, municipal authority or similar body, municipality, government or political subdivision thereof, or organization of any kind; and with respect to any fine or imprisonment hereunder the term "person" shall include the officers and directors of any corporation or legal entity having officers and directors, in accordance with the culpability provisions of the Pennsylvania Crimes Code.

The term "premises" shall mean any real property subject to the terms of this ordinance.

The term "refuse" shall mean the collective term applying to all garbage, rubbish, ashes, and riff raff from residential, municipal, commercial or institutional premises of the Municipality.

The term "residual waste" shall mean any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials, resulting from 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".

"Riff raff" shall mean waste materials too large for collection in ordinary containers such as furniture, refrigerators, springs, mattresses, stoves, carpeting, tires, automotive parts and junk cars and the like, from residential, municipal, commercial and institutional premises in the Municipality; and it shall not include refuse caused by repair, alteration or new construction of buildings or sidewalks, such as concrete, bricks, lumber, shingles and all other such type of building materials.

The term "rubbish" shall mean and include all rags, paper, broken glass, bottles, cans, crockery, plastic containers and other small household refuse as may result from the normal use of property as a dwelling unit.

The term "solid waste" shall mean any municipal waste, including solid, liquid, semi-solid or contained gaseous materials, but excluding residual waste and all hazardous wastes.

The term "storage" shall mean the containment of any municipal 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 municipal waste in excess of one year constitutes disposal.

The term "Township" shall mean the Township of Marion.

The term "transportation" shall mean the off-site removal of any municipal solid waste generated or present at any time within the Municipality.

The term "treatment" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any municipal waste so as to neutralize such waste or so as to render such waste safer for transport, suitable for recovery, suitable for storage, or reduced in volume. Such item includes any activity or processing designed to change the physical form or chemical composition of waste so as to render it neutral or non-hazardous.

### SECTION 3. PREPARATION AND STORAGE OF MUNICIPAL SOLID WASTE.

1. GENERAL: The storage of all municipal 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.

2. Storage: Any person accumulating or storing garbage on private or public property in the Township for any purpose whatsoever shall place the same or cause the same to be placed in sanitary closed or covered containers obtained at their own expense in accordance with the following standards:

- A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction, rust and corrosion resistant, waterproof, leakproof, and except in the case of bulk containers, shall not exceed thirty-two (32) gallons in capacity; consumer-type plastic garbage or trash bags may be used provided they are securely fastened and remain outside for no more than 12 hours prior to the scheduled garbage collection.
- B. All containers shall be kept in a sanitary condition and in good repair. Any container that does not conform with this Ordinance or is difficult to handle, or is likely to injure the collector or his employees, or hampers the prompt collection of solid waste shall be promptly replaced (at the owner's expense) upon notice to the owner of such container from the municipality, or the collector.
- C. A sufficient number of containers shall be provided to contain all municipal waste materials that are required to be placed in containers generated during periods between regularly scheduled collections.
- D. All municipal wastes which may be produced or accumulated shall be deposited daily in a proper container as herein provided.
- E. All containers for the storing of municipal wastes shall be kept securely covered to prevent any of the contents from being scattered about and to prevent the propagation of rats, flies, and other insects and vermin.

3. Location of Containers for Door-to-Door Collection: Containers for door-to-door collection shall be placed in the following manner to facilitate such collection:

- A. Containers, other than bulk containers, shall be placed whenever possible, at ground level and at a point on the curb line of the street, or within no less than ten (10) feet of the public street or alley right-of-way from which collection from a vehicle can be made. Failure to place containers at such locations may result in an additional charge for collection.

- B. Bulk containers shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector that will enable clear and easy access to the container by the collector's vehicle.
- C. The exact location of the container shall facilitate removal of the contents by the Collector. Access to such location shall be kept clear of snow, ice and other obstructions which may interfere with reasonable access to, and collection of, the containers by the Collector. The occupant shall securely close the top of the container in such a manner as to prevent the contents of the container from spilling out prior to the time scheduled for collection of the container, but not so as to prevent the removal of the contents of the containers upon the collection thereof by the Collector.
- D. The Collector shall be required to make collection from the locations provided herein but shall not be required to collect from any location at the second floor, basement, from inside the garage or other similar location. The Collector shall remove the contents from the container to the extent practicable in a manner to prevent the contents from being spilled upon such premises and shall thereupon remove such collected municipal waste from such premises.

4. Preparation of Municipal Solid Waste for Door-to-Door Collection: Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:

- A. All garbage shall be drained of excess liquids and wrapped in paper before being placed in the waste storage containers previously described; all ashes shall be free of any burning material before being deposited for collection.
- B. Tree, brush, hedge, and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six (6) feet, and shall be bound securely in bundles not to exceed forty (40) pounds in weight before being deposited for collection, or as specified by the collector.
- C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six (6) feet in length and forty (40) pounds in weight before being deposited for collection, or as specified by the collector.
- D. No person, except the occupants of the premises on which a waste container is placed or an authorized collector, shall remove the lids of any container and/or remove the contents thereof.

E. Municipal waste refuse of a highly flammable or explosive nature, nor highly infectious or contagious refuse, shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the Township and the rules and regulations of the Department of Environmental Resources.

5. Storage on Commercial, Institutional and Industrial Properties.

(1) Storage of municipal waste on commercial, institutional and industrial properties shall be in the same type of container as required in Section 3.2 except where the accumulation for each commercial, institutional or industrial property is in excess of an amount that can be stored in three (3) such containers for a period of one calendar week, in which case the owner and/or occupant of the commercial, institutional or industrial property shall make special arrangements with the Collector for the storing of such additional quantities. Such special arrangements shall include the following:

- a. The type of special bulk container to be furnished by the Collector and as approved by the Municipality.
- b. The number of such containers.
- c. The number of collection periods more frequent than weekly to be provided, which schedule of collections shall be approved by the Municipality, and Collector,
- d. The cost for providing any such special containers and the extra collection service, provided however, such extra cost and such extra service shall be reasonable.

(2) Containers for collection shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings.

6. Storage on Other or Special Premises: Storage of municipal waste on other or special premises shall be subject to the same provisions as provided for commercial, institutional and industrial properties in Paragraph 5 of this Section 3.

SECTION 4. COLLECTION OF MUNICIPAL WASTE.

All municipal waste generated or produced within the limits of the Township shall be collected in accordance with the following provisions:

1. Residential Collections (Door-to-Door): Collections of municipal waste from residential properties shall be made by the Collector not less than one time each calendar week, except where conditions beyond the control of the Collector prevent such collection.

2. Commercial and Institutional Collections: Collections of municipal waste shall be made at least once each week from commercial and institutional properties and in accordance with the provisions of Paragraph 5 of SECTION 3 of this Ordinance.

3. Industrial and Manufacturing Collections: Collection of municipal waste shall be made at least once each week from industrial and manufacturing properties and in accordance with the provisions of Paragraph 5 of SECTION 3 of this Ordinance.

4. Collection from other or Special Premises: Collection of municipal waste from other or special premises provided for in Paragraph 6 of SECTION 3 of this Ordinance shall be arranged for between the owner and/or occupant and the Collector.

5. Private Disposal and Collection: Any person disposing of his own refuse shall provide for collection at intervals short enough to prevent accumulations of solid waste that may be unsafe, unsightly, or potentially harmful to the public health.

SECTION 5. TRANSPORTATION OF MUNICIPAL WASTE.

Any person transporting municipal waste within the Township shall protect against or remedy any spillage from vehicles or containers used in the transport of such municipal waste.

SECTION 6. PROHIBITIONS.

1. No person shall place or dispose of any municipal waste in or about any street, sidewalk, alley, roadway, highway or other public area or property or in or upon any private property within the Municipality, whether owned by such person or not, except in proper containers or adjacent to such containers where the waste is of such size or shape as to prevent it from being placed in such containers. No person shall place or deposit or cause to be placed or deposited any municipal waste in any river, stream or other body of water in the Municipality.

2. Any unauthorized accumulation of municipal waste on any premises within the Municipality is hereby declared to be a public nuisance and may be abated as a public nuisance.

3. No person shall cast, place, sweep or deposit anywhere within the Municipality any municipal waste in such manner that it may be carried or deposited by the elements, animals or persons upon any street, sidewalk, alley, roadway, highway or other public area of property within the Municipality.

4. No person shall haul, transport or convey municipal waste in an open uncovered vehicle in the Municipality; provided prior permission by the Municipality may be given in the event of an emergency situation or in the case of ruff raff.



5. No person shall ignite or feed an open fire or cause, suffer, allow or permit the maintenance of any open fire for the destruction of municipal waste or in the conduct of a salvage operation in any public or private place within the Municipality outside of any building.

SECTION 7. AUTHORIZATION OF COLLECTORS.

It shall be unlawful for any person, other than such persons as are duly authorized by the Municipality to collect or transport municipal waste of any nature (other than generated by themselves or their families) within or from the Township. Authorization shall be given by the Municipality only as set forth hereafter:

A. The Municipality shall require any Collector or private handler of municipal waste in the Municipality to be licensed.

B. No person shall collect or remove municipal waste from premises within the Municipality, or transport, haul or convey municipal waste through or upon any of the streets or alleys of the Municipality, except as provided for herein.

C. Any person who may wish to engage in the business of collecting, transporting and/or hauling municipal waste within the Municipality shall, prior to engaging in such business, make application for and obtain (and while engaged in such business, hold and maintain) a solid waste collection license ("License") from the Municipality. Each person desiring a License (the "Applicant") shall meet the following qualifications before and during the period of the License:

- a. The Applicant shall own or have under existing lease during the License period the equipment to be used for the collection, transportation and/or hauling of the municipal waste to be collected in the Municipality. The pieces and types of equipment shall be sufficient in number, capacity and capability, in the judgment of the Municipality, for the work contemplated under the License. The equipment to be used shall be non-leakable, easily loaded and covered and readily emptied, and shall be easily cleaned and preferably of the automatic packer type; all such equipment shall be kept in a workable, clean and sanitary condition, with the necessary equipment aboard to immediately pick up and/or clean up any spills.
- b. The Applicant shall agree to dispose of all municipal waste collected within the Municipality at the disposal site designated by the Municipality and in accordance with any then existing solid waste management plan of the Municipality. In the absence of a designated site

and/or such plan, Applicant shall agree to dispose of all municipal waste collected within the Municipality at the disposal site of or designated by the Centre County Solid Waste Authority, if permitted by the Pennsylvania Department of Environmental Resources, so long as such municipal waste is acceptable to, and capable of being accepted by, the Authority at such site; in the event disposal at such site is not allowed or acceptable, disposal shall be made at such other site as is permitted by the Pennsylvania Department of Environmental Resources.

The Applicant shall have a valid dumping or tipping permit from the Clinton or Centre County Solid Waste Authority for a period equal to the period of such License, in accordance with the Clinton or Centre County Solid Waste Management Plan and any applicable rules and regulations established or as may be established by the Pennsylvania Department of Environmental Resources and the Authority.

The Applicant shall agree to comply with all present and future laws of the Commonwealth of Pennsylvania and the rules, regulations, and standards of the Pennsylvania Department of Environmental Resources and of the Authority and Municipality applicable to solid waste storage, collection, transportation, processing and disposal.

The Applicant shall agree to furnish sufficient personnel and other necessary equipment to perform and shall perform the work contemplated by the terms of the License and of this Ordinance for the collection, transportation, removal and disposal of municipal waste and shall, if requested by the Municipality, furnish a corporate surety bond or cash deposit of up to \$5,000 for complete and adequate performance of the Applicant's obligations to do such work and to comply with the terms of this Ordinance.

The License of the Municipality shall be issued by the Municipality, upon approval by the Municipality or its designated agent of an application therefore evidencing the Applicant's ability to comply with the foregoing requirements, and to perform such municipal waste collection, transportation, removal and disposal services. The fee for such License issued on a calendar year basis shall be \$ 25.00 \_\_\_\_\_ per year.

D. Applicants for a License must furnish the following information:

(1) The number of vehicles, the make, model, license plate number and size of packer body of each vehicle to be used for such municipal waste collection, transportation, removal and disposal.

(2) The location, address and telephone number of Applicant's business office and the names and addresses of the corporate officers of the Applicant.

(3) The Applicant's Permit from the Clinton or Centre County Solid Waste Authority.

(4) A certificate of insurance coverage providing complete third party comprehensive, bodily injury and property damage, and general liability insurance, with limits of not less than \$500,000 for property damage and \$500,000 for bodily injury, per occurrence.

(5) All such other information as the Municipality may reasonably deem necessary for the issuance of a License.

E. Written applications for a License shall be submitted annually to the Township Secretary. Upon review by the Secretary of the Township, the Municipality shall issue such License. The License shall be for a period of one calendar year, as may be requested. Any License may be revoked by the Township Supervisors at any time upon the failure of the Licensee to furnish and provide for the collection, transportation, removal or disposal of municipal waste in accordance with the terms of the Ordinance and any conditions under which the License was issued.

F. The License is non-assignable.

#### SECTION 8. CONDITIONS RELATING TO LICENSES.

1. The fee to be paid to the Municipality for a License for a calendar year or any part thereof shall be paid upon receipt of the License.

2. No Licensee shall use vehicles for the collection, transportation, removal, hauling and/or disposal of municipal waste within the Municipality other than those vehicles listed on the application and as approved by the Municipality on the License issued, except temporarily in emergency situations upon prior notice to Municipality. Any change in the list of vehicles as reported in the application shall be reported in writing to the Municipality at least five (5) days prior to the date of such change.

3. Each Licensee shall have his Authority numbered permit sticker displayed on the left side of the body of each vehicle to be used, within five (5) days after the License is issued or the vehicle is first used under the License.

4. Each Licensee shall have painted on a door or on the side of the body of each vehicle to be so used the name of the Licensee and his office telephone number, in letters of no less than two (2") inches in height and clearly legible. Each such vehicle used in the Municipality shall be so marked within five (5) days after such License is issued or the vehicle is first used under the License.

5. The Licensee shall maintain each vehicle used in the Municipality in good operating condition to assure that the schedule of collections is maintained. The vehicles used shall be kept clean and not be a nuisance themselves. The Municipality shall have the right to inspect all vehicles included in a License prior to the issuance of the License and during the period the License is in effect to assure compliance with the provisions of this Ordinance.

6. Each vehicle used shall be equipped with at least one (1) gallon of approved type disinfectant to be used as needed on streets, sidewalks, alleys, roadways and other such public areas in the municipality when municipal wastes are spilled during the collection, transportation, hauling, removal or disposal process.

7. Licensees shall be responsible for the means and manner in which their employees perform work pertaining to the collection, transportation, hauling, removal or disposal of municipal waste under the terms of this Ordinance.

#### SECTION 9. DISPOSAL FACILITIES.

1. No collector shall make use of any disposal facility with respect to the disposal of municipal waste collected, transported, removed or disposed of other than disposal facilities designated by the Municipality from time to time; the Municipality has designated the Authority's DER-permitted disposal facilities or the Authority's designated DER-permitted disposal facilities as the disposal site for all municipal solid waste generated or produced in the Municipality. Therefore, the Collector shall dispose of all municipal waste generated or produced in the Municipality and collected, transported, removed or disposed of by the Collector at the DER-permitted solid waste disposal facilities of the Authority or at other DER-permitted solid waste facilities as designated from time to time by the Authority.

The use of the disposal facilities of the Authority as permitted by the DER or those other disposal facilities designated by the Authority, is hereby determined to be in the best interest of the Municipality and in general it is determined to be desirable for the health and safety of the people of the Municipality that the Municipality use and cause all Collectors to use the facilities of the Authority, specifically the DER-permitted solid waste disposal facilities of the Authority, for the collection, transportation, removal and disposal of ashes, garbage, rubbish and other refuse materials and municipal solid waste, so long as municipal waste is acceptable to, and capable of being accepted by, the Authority at such sites; in the event that disposal at such sites is not allowed or acceptable, disposal shall be made at such other site as is permitted by the PA DER.

2. The Collector shall pay all costs to be charged for the use of the designated disposal facilities.

#### SECTION 10. EXCUSIONS.

Nothing contained herein shall be deemed to prohibit any person, not engaged in the business of hauling municipal waste for profit, from hauling such municipal waste on an irregular and unscheduled basis, to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

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

Nothing contained in this Ordinance shall prohibit a person from composting or spreading manure on a private garden as long as it is done in such a manner as not to create a nuisance to adjoining owners.

#### SECTION 11. RULES AND REGULATIONS.

The Municipality is hereby empowered to adopt by resolution such rules and regulations as it shall hereafter deem necessary and convenient for the administration of this Ordinance and which may concern and amplify all provisions of this Ordinance. A violation of such rules and regulations shall be subject to the same penalties as a violation of this Ordinance.

#### SECTION 12. VIOLATIONS AND PENALTIES.

1. Any person violating any of the provisions of this Ordinance shall, upon conviction in a Summary Proceeding be sentenced to pay a fine of not more than \$300.00, together with costs of prosecution, or to be imprisoned for a period not to exceed ninety (90) days, or both.

2. Whenever any person shall have been notified in writing that such person is violating this Ordinance, each two day period that such person shall continue to so violate this Ordinance after receipt of such notification shall constitute a separate offense punishable by fine or imprisonment or both, upon conviction thereof, without the necessity of filing a separate complaint.

SECTION 13. SAVING CLAUSE.

The invalidity of any section, provision or part of this Ordinance shall not invalidate any other section, provision, or part of it.

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, Commonwealth of Pennsylvania.

SECTION 14. EXCEPTIONS.

No hazardous waste shall be stored, collected, transported, processed or disposed of under the terms of this Ordinance, nor is this Ordinance intended to apply to anything but the storage, collection, transportation, processing and disposal of municipal waste, including ashes, garbage, rubbish and other similar refuse materials.

SECTION 15.

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

SECTION 16.

This Ordinance shall become effective on the 11<sup>th</sup> day of December, 1989, Ordinated and Enacted this 11<sup>th</sup> day of December, 1989.

  
Secretary

