

AN ORDINANCE OF THE TOWNSHIP OF EAST HUNTINGDON,
WESTMORELAND COUNTY, PENNSYLVANIA, KNOWN AS
THE SOLID WASTE MANAGEMENT ORDINANCE OF THE TOWNSHIP
OF EAST HUNTINGDON; PROVIDING DEFINITIONS; SETTING FORTH
THE POWERS AND DUTIES OF THE MUNICIPAL BODY; ESTABLISHING
THE DUTY OF PROPERTY OWNERS AND OCCUPANTS WITHIN THE
TOWNSHIP; PROHIBITING THE STORAGE OF CERTAIN WASTES;
ESTABLISHING STANDARDS AND REGULATIONS FOR STORAGE OF WASTE
PRIOR TO COLLECTION AND AT TIME OF COLLECTION; REGULATING
AUTHORIZED COLLECTORS WITHIN THE TOWNSHIP; ESTABLISHING
STANDARDS FOR COLLECTION VEHICLES, EQUIPMENT AND PERSONNEL;
ESTABLISHING STANDARDS AND REGULATIONS FOR DISPOSAL
OF WASTE BY COLLECTORS; PROHIBITING CERTAIN ACTIVITIES;
SETTING FORTH PENALTIES FOR VIOLATIONS

Section 1. Title. This Ordinance shall be known as the "Solid Waste Management Ordinance of the Township of East Huntingdon."

Section 2. Purpose. It is hereby declared to be the purpose of this chapter to coordinate and to regulate the storage, collection, transportation, processing and disposal of all solid waste materials as herein defined in order to protect the public safety, health and welfare of the people of East Huntingdon Township, hereinafter referred to as "municipality."

Section 3. Definitions.

For the purpose of this Ordinance the following words shall have the meanings given:

ASHES-The residue resulting from the burning of wood, coal or other combustible material. This definition excludes ashes resulting from industrial purposes.

AUTHORIZED COLLECTOR-A person, partnership or corporation or employee or agent or subcontractor thereof, authorized by contract with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this chapter.

BOARD OR BOARD OF SUPERVISORS-The elected Board of Supervisors of the Township of East Huntingdon, Westmoreland County, Pennsylvania.

BULKY WASTE-Large items of refuse, including but not limited to appliances, furniture and large trees and branches which require collection in other than conventional compactor refuse collection vehicles. Such trees and branches must be no greater than six (6) feet in length, five (5) inches in diameter and properly bundled for collection.

COLLECTOR-The person, firm, agency or public body or employee or agent thereof who is engaged in collection and/or transportation of solid waste.

COMMERCIAL PROPERTIES-All properties used for industrial or commercial purposes, provided that multiple-dwelling residential buildings containing more than four (4) dwelling units, for purposes of this Ordinance only, shall be treated as "commercial properties."

CONTAINER-Can, mechanical bin, box or disposable container used for storage of refuse.

DEAD ANIMALS-Those animals that die naturally, from disease or are accidentally killed. Condemned animals or parts of animals from slaughterhouses or similar places are not included in this term but are regarded as industrial waste.

DETACHABLE CONTAINER or MECHANICAL BIN-Any metal container which may be mechanically lifted and emptied into the collection vehicle.

DISPOSAL SITE-A site, location, tract of land, area or premises used or intended to be used for solid waste disposal.

DUMP-A site for the collection of waste from one (1) or more sources which has little or no management.

FARM PROPERTY-A parcel or parcels of land devoted to agriculture; either to raising crops, livestock, poultry or pasture.

GARBAGE (FOOD WASTE)-Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals or human or animal excrement.

GOVERNING BODY-The elected officials constituting the Board of Supervisors of the Township of East Huntingdon.

HAZARDOUS WASTE-Solid waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this Ordinance, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (i.e. aerosol cans, pesticides, fertilizers, etc.).

INCINERATOR-Any device used for burning of solid waste where the factors of combustion, i.e.-temperature, retention time, turbulence and combustion air, can be adequately be controlled.

MUNICIPALITY-The Township of East Huntingdon.

OPERATOR-A person who manages any solid waste storage, transfer, processing or disposal operation.

PERSON-Any individual, firm, partnership, association, corporation, institution or other entity.

REFUSE-All solid wastes, except body wastes, and shall include but is not limited to garbage, ashes, bulky waste and rubbish; except that "refuse" shall specifically exclude hazardous waste.

RESIDENTIAL PROPERTY-Properties used as dwellings, including buildings having up to four (4) dwelling units in one (1) building. Multiple dwelling residential buildings containing more than four (4) dwelling units, for purposes of this Ordinance, shall be treated as commercial properties.

RESIDUE-Solid materials remaining after burning, including but no limited to ashes, metals, glass, ceramics and unburned organic substances.

RUBBISH-Solid waste exclusive of garbage and noncombustible plant material, wood or nonputrescible solid waste.

SALVAGE OPERATION-Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to automobiles, metals, chemicals, shipping containers or drums.

SALVAGING-The controlled removal of reusable material at a salvage operation.

SANITARY LANDFILL-A Pennsylvania Department of Environmental Resources approved method of disposing of refuse on land without creating nuisances or hazards to the public health or safety. This is done by confining refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

SCAVENGING-Controlled or unauthorized removal of solid waste materials.

SOLID WASTE-Garbage, refuse and other discarded solid materials, including but no limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

SOLID WASTE MANAGEMENT-The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

TRANSFER STATION-A fixed facility used for receiving refuse from collection trucks and placing it in large-volume, long haul vehicles.

YARD WASTE-Prunings, grass clippings, weeds, leaves and general yard and garden wastes.

Section 4. Responsibility of Management. The East Huntingdon Township Board of Supervisors shall be responsible for all aspects of solid waste management within the municipality.

Section 5. Powers and Duties of responsible entity. The East Huntingdon Township Board of Supervisors shall be responsible for the preparation of plans as necessary for solid waste management. In accordance with all the pertinent statutes, rules and regulations of the Commonwealth of Pennsylvania, the Board shall:

- a) Provide municipal solid waste collection, storage and disposal services and/or approve and regulate the establishment, maintenance and operation of private solid waste collection, storage, transportation and disposal services.
- b) Adopt, issue and enforce such local rules and regulations as necessary to implement and to carry out the intent of this Ordinance.
- c) Enforce this Ordinance by issuing warning notices and initiating proceedings against violators of this Ordinance and its rules and regulations.

Section 6. Duty of Property Owners and Occupants.

- a) No person shall permit any solid waste to accumulate for a period of longer than seven (7) days upon property owned or occupied by said person within the municipality.
- b) Owners and occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.
- c) All solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by an authorized collector under contract with the municipality and in accordance with this Ordinance.
- d) Home businesses that have a roll off or other commercial solid waste removal containers shall be exempt from the mandatory collection by the authorized contracted collector.
- e) If a residential property is vacant for any period of time then the charge for solid waste removal services shall be pro-rated for such time upon proof provided thereof.
- f) It shall be unlawful for any person to collect and dispose of any solid waste within the municipality except as provided in this Ordinance.

Section 7. Storage of certain wastes prohibited.

- a) It shall be unlawful to keep or allow in or about any dwelling or upon any land or other premises within the municipality solid waste of any kind which is obnoxious or offensive by reason of dust or odor or which attracts insects and vermin, except in covered receptacles the cover of which shall be tight and fly proof.
- b) It shall further be unlawful to retain accumulation of any solid waste so as to constitute a menace to the health and safety of the public, it being a presumption that such a menace exists when more than seven (7) days have elapsed after such solid waste is originally retained, accumulated or permitted to accumulate.
- c) No volatile liquids, explosives, radioactive material or containers which would explode upon contact with heat or fire shall be placed for collection, except small, retail sold, spray cans.
- d) No hazardous waste shall be stored or placed for collection on residential properties except for small quantities of such waste normally found in the household and available on a retail basis to customers.

Section 8. Standards and regulations for storage prior to collection.

- a) Every person shall provide sufficient approved containers for receiving and holding solid waste and such containers shall be kept in sanitary condition at all times.
- b) Containers shall be covered tightly at all times.
- c) Garbage and food waste shall be stored in a container which shall have a tight fitting cover and be able to be carried easily by the collector.
- d) Containers shall be stored on the owner's property.

Section 9. Standards and regulations for collection.

- a) The municipality may collect solid waste acceptable for collection or it may contract with authorized collectors to provide the service.
- b) All residential properties shall use the municipal or municipally-contracted collection service.
- c) All household solid waste shall be collected at least once a week.
- d) One (1) large item shall be permitted for removal during the first weekly collection of each month.
- e) If any person shall have additional bulky/large items, then such person must contact the collector to make appropriate arrangements for removal of the same and must pay additional fees as set forth by the collector from time to time.
- f) The collector shall establish and record a regular collection schedule. If a collection day falls on a holiday, the collector shall notify all customers of the alternate collection time.

- g) All collection vehicles shall be constructed of metal or other impervious materials able to be enclosed or fitted with a cover which will be used to prevent spillage of the contents thereof. All waste dropped on streets or roads shall be immediately pick up.
- h) Refuse containers shall, for the purpose of collection, be placed at the curb or street line, at ground level, and be made readily accessible to the collector.
- i) Collections shall be made from all properties within the municipality and shall include all streets, dedicated or otherwise, and shall include those streets that are temporarily close for repairs or construction. In such a case, the collector shall make designated pick up points as necessary to effectuate collection.
- j) The collector shall collect solid waste, as defined herein, throughout the municipality on routes and schedules developed and mutually agreed upon by the governing body and the collector and which may be modified from time to time as necessary and as agreed upon by the municipality and the collector.

Section 10. Regulation of authorized collectors.

- a) All residential solid waste within the municipality shall be collected by an authorized collector as hereinafter provided.
- b) The collection of solid waste shall be done only by the person, firm or corporation to whom or to which a contract therefor shall be awarded. Such contract shall be awarded from time to time to the lowest responsible bidder.
- c) The Board of Supervisors shall from contract period to contract period set specifications for the collection of residential solid waste which shall apply to each prospective bidder for contract collection within the municipality.
- d) The authorized collector shall assume full responsibility for the removal and ultimate disposition of all solid waste from the municipality when such solid waste is placed in proper containers and in the proper locations for collection.
- e) Compensation of the authorized collector for the removal of residential solid waste shall be set pursuant to the contract to be awarded under this Ordinance and shall be billed by the authorized collector directly to the residents of the Township of East Huntingdon serviced thereby.

Section 11. Standards and regulations for disposal.

- a) It shall be unlawful for any collector to dump, process, destroy, bury or otherwise dispose of solid waste within the municipality except at facilities approved and permitted by the municipality, the County of Westmoreland and the Pennsylvania Department of Environmental Resources.
- b) All collectors shall dispose of the solid waste from the municipality at a sanitary landfill, incinerator or other approved and permitted facility.
- c) All vehicles used in collection shall use as far as practical state highways when proceeding to and from designated disposal sites.

Section 12. Prohibited Activities.

- a) It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal except as may be provided for in the municipality's solid waste rules and regulations promulgated herein.
- b) It shall be unlawful for any person to use, maintain or operate an open dump not licensed pursuant to Township Ordinance.
- c) 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 except as provided for in this Ordinance.
- d) The owner or his, her or its agent or the occupant of any premises within the Township of East Huntingdon shall be responsible for the sanitary condition of the premises occupied by him, her or it, and it shall be unlawful for any person to place, deposit or allow to be placed or deposited on his, her or its premises any solid waste or to keep, burn or suffer to remain on his, her or its premises or any private property any refuse, nauseous liquors or other offensive or unwholesome matter or waste or to cast the same upon any lot or piece of ground belonging to this Township of East Huntingdon or upon any highway, street or alley or upon the shores or margins or in any of the streams within the Township of East Huntingdon or so near the limits thereof as to annoy or to be offensive. Any violation of this section is hereby declared to be a public nuisance, and the person violating the same, in addition to paying the fine and costs imposed for violation thereof, shall pay the costs of removing the same by the Township of East Huntingdon if it so chooses to do so.

Section 12. Violations and Penalties.

- a) Any person or entity violating any provision of this Ordinance shall upon conviction thereof by the District Justice in a summary criminal proceeding, be punishable by a fine of up to One Thousand Dollars (\$1,000.00), together with the costs of prosecution and reasonable attorneys fees incurred by the Township of East Huntingdon.
- b) Each day's violation shall constitute a separate enforceable offense.
- c) In default of payment of any fine or costs set forth herein, any person or entity convicted under the provisions of this Ordinance may be subject to imprisonment for not more than thirty (30) days. Each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense.

Section 13. Repealer. Any Ordinance or Ordinance provision of East Huntingdon Township inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 14. Severability. In the event that any Section or provision of this Ordinance is declared illegal, invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of any remaining provisions of this Ordinance.

THIS ORDINANCE, ORDAINED AND ENACTED by the Supervisors of East Huntingdon Township this 19th day of February, 2009.

ATTEST:

Cynthia Walthour
Cynthia Walthour-Secretary-Treasurer

Board of Supervisors of
East Huntingdon Township

Howard J. Keefer
Howard J. Keefer-Chairman

Joel B. Suter
Joel B. Suter-Supervisor

Paul E. Hodgkiss
Paul E. Hodgkiss-Supervisor