

## ORDINANCE #1

AN ORDINANCE OF THE TOWNSHIP OF MARION, CENTRE COUNTY, PENNSYLVANIA, PROHIBITING THE COMMERCIAL ACCUMULATION, BURYING AND BURNING OF GARBAGE AND OTHER REFUSE MATERIAL UPON PRIVATE PROPERTY IN SAID TOWNSHIP, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF SAID ORDINANCE; REQUIRING THAT ALL GARBAGE, RUBBISH AND OTHER REFUSE BE CONVEYED TO A DUMPING AREA APPROVED BY THE TOWNSHIP SUPERVISORS FOR ULTIMATE DISPOSAL BY SANITARY LAND FILL METHOD; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIAL ONLY BY A LICENSED COLLECTOR IN SAID TOWNSHIP; AND PROVIDING FOR THE LICENSING OF AUTHORIZED COLLECTOR THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, the Collection and disposal of garbage, rubbish and oilier refuse within the Township of Marion, has created a problem relating to the health, safety and welfare of the citizens of said Township; and

WHEREAS, pursuant to said Ordinance and pursuant to the authority vested in them by the Second Class Township Code, as amended by the Act of May 9, 1961, P.L. 194, Section 1, the Supervisors of Marion Township, are desirous of enacting on Ordinance regulating the collection and disposal of rubbish, refuse and garbage in said Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Marion, Centre County, Pa., and it is hereby enacted and ordained by authority of the same as follows:

### SECTION ONE: DEFINITIONS.

The following words and terms as used in this Ordinance shall have the meanings hereby described thereto, unless the context clearly indicates a different meaning.

"Garbage" - all table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use for which reason they are discarded.

"Refuse" - all combustible refuse and incombustible refuse referred to collectively.

"Combustible Refuse" - all paper, straw, excelsior, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

"Incombustible Refuse" - all discarded articles or materials except sewage, liquid waste, garbage and combustible refuse.

"Rubbish" - all miscellaneous waste material not otherwise included herein such as ashes, tin cans, glass, pottery, prunings from vines and funk of all kinds resulting from the ordinary conduct of business or housekeeping.

"Person" - any natural person, association, partnership, firm or corporation.

"Township" - shall mean the Township of Marian, Centre County, Pa.

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

SECTION TWO: From and after the effective date of this Ordinance, and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in said Township, garbage, refuse, combustible incombustible refuse or rubbish from outlying Townships & Boroughs for commercial purpose.

SECTION THREE: It shall be unlawful for any person to haul, collect, remove and dispose of garbage, refuse or rubbish, other than his own, over the streets and alleys of the said Township without first securing a license to do so. The Township, upon application and other investigation as the Township shall deem necessary, may issue license for a collector for a period not to exceed one year. The fee for such license shall be the sum of Five (\$5.00) Dollars per year. Any person desiring to secure a license shall present a written application thereof to the Township Secretary and such license shall be issued only after proper action by the Township Supervisors offer due and proper investigation. Upon approval of application, applicant will be required to carry a One Thousand (\$1,000.00) Dollar Performance Bond.

SECTION FOUR: Any license issued pursuant to the provisions of this Ordinance shall be revocable by the Township Supervisors upon failure of the licensee to comply with any of the provisions of this ordinance, or any of the regulations of the Commonwealth of Pennsylvania, Department of Health, relating to collection and disposition of garbage, rubbish and other refuse material.

SECTION FIVE: The prohibitions contained in the preceeding Section shall not apply to any person who shall haul his own rubbish, garbage or refuse, having first provided himself with a proper conveyance in which such rubbish, garbage and refuse can be conveyed in such a manner as not to be a source of annoyance, nuisance unpleasant odors and so as not to leak, drip or be scattered upon any of the streets or alleys of the said Township.

SECTION SIX: In order to end the objectionable practice of littering the countryside with rubbish and in order to eliminate the problem of health and sanitation due to improper dumping and disposition of garbage, rubbish and other refuse materials, it shall be unlawful for anyone to collect and dispose of garbage, rubbish and other refuse in said Township at *any* place other than in a dumping or disposal area which has been approved by the Township Supervisors and by the Commonwealth of Pennsylvania, Department of Health.

SECTION SEVEN: Trucks or other vehicles used for the transportation of garbage, rubbish and other refuse shall be sufficiently light and the load trimmed and secured in place by a canvas tarpaulin *or* other enclosure in such a manner as will prevent scattering of any part of the contents of said trucks or other vehicles on the streets or alleys of the Township. The same shall be water tight and shall be closed at all times when garbage, rubbish and other refuse is being transported. It shall be cleaned at least twice a week or prevent any nuisance' from odors and shall meet all of the requirements of the Township Supervisors and the respective Departments of Health having authority over the same.

SECTION EIGHT: No person, firm or corporation shall use or permit to be used any spot or place within the Township as a public or private dump for garbage or refuse. Any person within the Township desiring to bury his own garbage, and his only, upon private ground must *do* so according to the requirements of the Pennsylvania Department of Health and in no event shall he be permitted to dispose of his own garbage on his own private property unless the total acreage of the property being used under his ownership or control is a size of two (2) acres or larger.

SECTION NINE: No person shall accumulate garbage, rubbish or other re-fuse or waste material upon private property in the Township except in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove only existing accumulation of garbage, rubbish or other refuse material within thirty (20) days after the effective dale of this Ordinance shall be deemed a violation of this Section of this Ordinance.

SECTION TEN: The Collection of garbage, rubbish or other refuse material in the Township and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the Township Supervisors; provided that all such rules and regulations shall not be contrary to the provisions of this ordinance. Any aggrieved person shall have the right of appeal against *any* regulation made by the Township Supervisors to the Township Supervisors who may confirm, modify or revoke any such regulations.

SECTION ELEVEN; Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding before a Justice of the Peace or Magistrate, be sentenced to pay o fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution, and, in default of

payment of such fine and costs, shall be committed to the County Jail for a period not exceeding Three (3) days; each day's continuance of a violation of this Ordinance shall constitute a separate offense.

SECTION TWELVE: If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION THIRTEEN: This Ordinance shall become effective July 18, 1966

ENACTED AND ORDAINED into an Ordinance this 18th day of July, 1966