

WASHINGTON TOWNSHIP

ORDINANCE NO. 168

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF WASHINGTON TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, BY REGULATING THE COLLECTION, STORAGE, TRANSPORTATION, REMOVAL, DUMPING, DEPOSIT AND DISPOSAL OF MUNICIPAL SOLID WASTES AND PROVIDING FOR AUTHORIZATION OF MUNICIPAL WASTE COLLECTORS, LICENSING AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Township of Washington, located in the County of Northampton and the Commonwealth of Pennsylvania, as follows:

ARTICLE I - TITLE.

Section 1. This Ordinance shall be known as the Washington Township Municipal Solid Waste Ordinance.

ARTICLE II - DEFINITIONS.

Section 1. The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

(a) "APPLICANT" means a person desirous of being authorized as a "Collector".

(b) "COLLECTOR" means a person authorized to collect, transport and dispose of municipal waste from Washington Township.

(c) "COMMERCIAL ESTABLISHMENT" means any establishment engaged in a nonmanufacturing or nonprocessing business, including but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

(d) "DISPOSAL" means the incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

(e) "DISPOSAL SITE" means any site, facility, location, area or premises to be used for the disposal of municipal waste.

(f) "GARBAGE" means all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

(g) "INDUSTRIAL ESTABLISHMENT" means any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries and the like.

(h) "INSTITUTIONAL ESTABLISHMENT" means any establishment engaged in service to persons, including but not limited to, hospitals, nursing homes, orphanages, schools and universities.

(i) "MANAGEMENT" means the entire process or any part thereof, of storage, collection, transportation, processing, treatment and disposal of municipal waste by any person engaging in such process.

(j) "MUNICIPAL WASTE" means 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 and from community activities and any sludge not meeting the

definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

(Pennsylvania Solid Waste Management Act 97, Section 103).

(k) "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 whatsoever which is recognized by law as being subject to the rights and duties of a person.

(l) "PROCESSING" means any technology used for the purpose of reducing the volume or bulk of municipal 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, incinerators, recycling facilities and resource recovery facilities.

(m) "REGULAR" means at least three or more times per month.

(n) "REFUSE" means the collective term applying to all garbage, rubbish, ashes, leaves and grass trimmings from residential, municipal, commercial or institutional premises.

(o) "SOLID WASTE" means any waste, including but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

(Pennsylvania Solid Waste Management Act 97, Section 103).

(p) "STORAGE" means the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste and it shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal.

(q) "TOWNSHIP" means Washington Township, Northampton County, Pennsylvania.

(r) "TRANSPORTATION" means the off-site removal of any municipal waste generated or present at any time from the Township of Washington.

ARTICLE III - STORAGE OF MUNICIPAL WASTE.

Section 1. General.

It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the Township of Washington where municipal waste is produced and is accumulated, by his own expense and cost to provide and keep at all times, a sufficient number of containers to hold all municipal waste which may accumulate during the intervals between collection of such municipal waste by an authorized collector.

Section 2. Storage on Residential Properties.

(a) Containers. All municipal waste accumulated by owners of each residential property and/or the occupants or residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, water tight and made of metal or plastic. Securely tied plastic bags may be used in cases where such bags can be used without being torn open by domestic or wild animals. The size of each such container shall not exceed a 30-gallon capacity. However, large containers designed for use with special hoisting equipment may be used if the collector serving the residence uses collection vehicles with such special hoisting equipment.

(b) Location of Containers. Each municipal waste container shall be located so as to be accessible to the collector 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 discontinuance of service.

Section 3. Storage on Commercial, Institutional and Industrial Properties.

(a) Containers. Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers as are required for residential properties except that containers larger than 30 gallons may be used, where needed, to accommodate larger volumes of municipal wastes. Such containers shall be kept in good working order.

(b) Location of Containers. Containers for collection at commercial, institutional and industrial properties shall be located on such premises at a place which shall not interfere with public or private sidewalks, driveways, roads, streets, highways or entrances and exits or public or private buildings.

ARTICLE IV - AUTHORIZATION OF COLLECTORS

Section 1. Unauthorized Collection and Transportation.

It shall be unlawful for any person, other than such persons as are duly authorized by the Township of Washington, to collect and transport solid waste of any nature as a regular hauling business within or from the Township of Washington. Authorization shall be given only as set forth below.

Section 2. Licensing Procedure.

Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the Township of Washington through the issuance of a license. All application for licensing shall be approved in accordance with the following:

(a) Eligible Persons. Municipal Solid Waste Collection Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this Ordinance. The Township of Washington reserves the right to disapprove any application for license.

(b) Application Procedure. Applications for a Municipal Solid Waste Collection license must furnish the following information:

(1) The make, model, license plate number and size of each vehicle to be used for collection and transportation;

(2) The location, address and telephone number of the business office of the applicant;

(3) A certificate of the applicant's Workmen's Compensation Insurance as required by law;

(4) A certificate of insurance coverage providing complete third-party comprehensive, bodily injury and property damage, liability insurance, the limits of which shall not be less than \$100,000/\$300,000 for bodily injury and \$50,000 for property damage; and

(5) Any other information which the Township of Washington may request and deem necessary prior to the issuance of a license.

(c) Issuance. Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Township of Washington for failure to comply with the provisions of this Ordinance.

(d) Fees. Fees for Licenses shall be set by the Township of Washington and the amount thereof shall be provided to any applicant or other person upon request.

(e) License and Capacity. Each vehicle must prominently display the name and number of the licensee and the cubic yard capacity of the vehicle's body.

ARTICLE V - TRANSPORTATION OF SOLID WASTE.

Section 1. Prevention of Spillage.

Any person transporting solid waste within the Township of Washington shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

ARTICLE VI - DISPOSAL OF MUNICIPAL WASTE.

Section 1. Designated Facilities.

All municipal waste produced, collected and transported from within the jurisdictional limits of the Township of Washington, shall be, to the extent permitted by law, disposed of at disposal facilities designated by the Township of Washington and in accordance with any currently effective solid waste management plan of the Township of Washington. In the absence of such designated facilities and/or such currently effective solid waste management plan, municipal waste from the Township of Washington must be disposed of at a State-permitted facility.

Section 2. Notice to Collectors.

If the Township of Washington designates the disposal facilities as provided for above, all authorized collectors and other interested persons shall be informed of the location and other information pertaining to the designated disposal facilities to be used for the disposal of municipal waste collected, transported, removed and disposed.

ARTICLE VII - EXCLUSIONS.

Section 1. Individuals Not Engaged in Collection.

Nothing contained herein shall be deemed to prohibit any residential property occupant not regularly engaged in the business

of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to a State-permitted disposal facility.

Section 2. Farming Activities.

Nothing contained herein 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 waste.

Section 3. Hazardous and Residual Waste.

The provisions of this Ordinance do not apply to anything but the storage, collection, transportation and disposal of municipal waste and do not apply, therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act.

ARTICLE VIII - PENALTIES AND REMEDIES.

Section 1. Penalty.

Any person violating any of the provisions of this Ordinance shall, upon conviction by a District Magistrate, be subject to a fine of not less than One Hundred Dollars (\$100.00) or more than Three Hundred Dollars (\$300.00) together with the costs of prosecution, and/or imprisonment for a period of not more than thirty (30) days. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

Section 2. Additional Remedies.

In addition to the foregoing penalty, the Township of Washington may require the owner or occupant of a property to remove any accumulation of solid waste and should said person

fail to remove such solid waste after ten (10) days following written notice, the Township of Washington may cause the solid waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law.

Section 3. Abatement.

The imposition of the penalties herein prescribed shall not preclude the Township of Washington from instituting appropriate actions or proceedings to prevent the violation of this Ordinance, to restrain, correct or abate any such violation or to prevent any act, conduct, business or activity constituting a violation.

ARTICLE IX - SEPARABILITY AND AMENDMENT.

Section 1. Separability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 2. Effect of Additional Regulations.

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 3. Effective Date.

This Ordinance shall become effective five (5) days after adoption.

Section 4. Headings.

The headings of the sections of this Ordinance are inserted for convenience of reference only and shall not be considered a part hereof.

ENACTED AND ORDAINED by the Supervisors of the Township of Washington, County of Northampton and State of Pennsylvania, on this 19th day of May, 1986.

WASHINGTON TOWNSHIP BOARD OF SUPERVISORS

James B. Wagner Chairman
Richard H. Lane
Paul T. Maller

ATTEST:

Barbara J. Hallet
Secretary