

Chapter 115
SOLID WASTE

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[HISTORY: Adopted by the Board of Supervisors of the Township of Scott, 10-27-1987 as Ord. No. 3-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. 59.

Property maintenance — See Ch. 104.

§ 115-1. Title.

This chapter shall be known as the “Scott Township Municipal Waste Management Ordinance.”

§ 115-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT — A person applying for a license as a collector.

COLLECTOR — A person licensed by the township to collect, transport and dispose of municipal waste.

DISPOSAL — Incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the municipal waste or a

constituent of municipal waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DISPOSAL AREA — Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

GARBAGE — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS — All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as “glass,” excluding, however, blue and flat glass and glass commonly known as “window glass.”

INSTITUTIONAL ESTABLISHMENT — Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, except farm-produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.¹

NEWSPAPER — Paper of the type commonly referred to as “newsprint” and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals as well as all other paper products of any nature are not considered “newspaper.”

PERSON — 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 the subject of rights and duties.

RECYCLABLES — Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper bags), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper and paper products not chemically coated.

REFUSE — Garbage, rubbish and trade waste.

STORAGE — 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 (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

¹ Editor's Note: See 35 P.S. § 6018.101 et seq.

TOWNSHIP — Scott Township, Columbia County, Pennsylvania.

TRANSPORTATION — The off site removal of any municipal waste at any time after generation.

§ 115-3. Prohibited dumping and storage.

- A. It shall be unlawful for any person to store, dump, discard or deposit or permit the storage, dumping, discarding or depositing of any municipal waste upon the surface of the ground or underground within the jurisdictional limits of the township except in proper containers for purposes of storage or collection and except where the waste is of such size or shape as not to permit its being placed in such containers.
- B. It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of the township.

§ 115-4. Hauling of waste permitted.

Nothing contained herein shall be deemed to prohibit any person from hauling such municipal waste on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania Department of Environmental Resources.

§ 115-5. Normal farm activities permitted.

Nothing contained in this chapter 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.

§ 115-6. Unauthorized collection unlawful.

It shall be unlawful for any persons, except those duly authorized by the township, to collect, transport and dispose of municipal waste of any nature within or from the township.

§ 115-7. Authorization to collect own municipal waste.

Persons who collect, transport and dispose of their own municipal waste are hereby authorized to do so, provided that they comply with all relevant provisions of this chapter.

§ 115-8. License to collect municipal waste of others.

Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the township through the issuance of a municipal waste collection license (hereinafter called "license"). All applications for licensing shall be reviewed by the township and shall be approved in accordance with the following criteria:

- A. 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 chapter.
- B. Applicants for a license shall furnish the following information:
- (1) The number of vehicles, the make, model, Pennsylvania license plate number and size of the vehicle to be used for collection and hauling.
 - (2) The location, address, hours of business and telephone number of the business office to receive calls from persons in the township who receive collection service.
 - (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 which shall not be less than one hundred thousand/three hundred thousand dollars (\$100,000./\$300,000.) for bodily injury and fifty thousand dollars (\$50,000.) for property damage.
 - (5) In addition to the above, all other information which the township may request and deem necessary prior to the issuance of a license.
- C. Licenses shall be issued on a calendar-year basis but may be revoked or rescinded by the township in accordance with the following:
- (1) The township may revoke the license immediately in the event that the collector violates or fails to comply with any of the terms of this chapter.
 - (2) The township may rescind the license should the township decide to provide for the collection and disposal of municipal waste by some method other than the licensing procedure established by this chapter. Such rescission shall occur ninety (90) days after the township sends written notice thereof to the collector.
- D. Conditions relating to licenses:
- (1) A license shall be issued for only one (1) year on a calendar-year basis. The annual fee for such license shall be set from time to time by resolution of the Board of Supervisors. The license fee is not refundable and shall not be prorated. The fee shall be submitted with the application for such license. Payment shall be made by check or money order only, payable to Scott Township.²
 - (2) Signs shall be displayed on vehicles as described herein:
 - (a) The collector shall display the license number on each vehicle in a manner established by the township in letters and numbers not less than two (2) inches in height, clearly legible, as follows: "Scott Township License No. _____."
 - (b) The collector shall display on each side of the body of each vehicle, preferably on the doors, the name of the firm and the telephone number of the firm's office

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

or headquarters in letters and numbers no less than three (3) inches in height and clearly legible.

- (c) Any vehicle used by the collector in the township to collect, transport and dispose of municipal waste shall be marked in accordance with Subsections D(2)(a) and (b) above within ten (10) days after a license is issued.
- (3) The collector shall maintain each vehicle used to collect, transport and dispose of municipal waste in the township in good operating condition to assure that the schedule of collections can be maintained. The collector shall keep each vehicle clean and painted so as to present a favorable appearance.
- (4) The township shall have the right to inspect all vehicles prior to the issuance of a license and during the period that the license is in effect.
- (5) The collector shall be responsible for the manner in which collector's employees perform work in connection with the collection, transportation and disposal of municipal waste under the terms of this chapter.
- (6) The collector shall pay all costs to be charged for the use of the disposal system and facilities.
- (7) The township shall have the right to designate the disposal facilities that a collector shall use for the disposal of municipal waste collected within the township.
- (8) A license may not and shall not, in any manner whatsoever, be sold, assigned, leased, transferred, conveyed or otherwise disposed of by a collector.

§ 115-9. Storage may not create health and safety hazards.

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.

§ 115-10. Storage in containers required.

Any person accumulating or storing garbage on private or public property in the township for any purpose whatsoever, including waste being stored temporarily for door-to-door collection, shall place the same or cause the same to be placed in sanitary closed or covered containers 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; equipped with lids; waterproof and leakproof; and, except in the case of bulk containers, shall not exceed twenty (20) gallons in capacity. Plastic trash bags, if not punctured, may be used to store municipal waste.

- B. A sufficient number of containers shall be provided to contain all municipal waste materials generated during periods between regularly scheduled collections that are required to be placed in containers.

§ 115-11. Preparation for collection.

- A. No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.
- B. Municipal waste of a highly flammable or explosive nature or 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.

§ 115-12. Bulk containers.

To facilitate collection, 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.

§ 115-13. Disposal at licensed facility required.

All municipal waste produced, collected and transported from within the jurisdictional limits of the township shall be promptly disposed of at facilities permitted by the Pennsylvania Department of Environmental Resources and in accordance with Scott Township's Municipal Solid Waste Management Plan.³

§ 115-14. Disposal of bulky waste.

In addition to other disposal procedures permitted by this chapter, bulky wastes, such as but not limited to refrigerators, stoves, other appliances, pieces of furniture, auto parts and other such household goods and equipment, may be disposed of in the manner designated by the township at any cleanup or collection fixed or set by the township.

§ 115-15. Spillage.

Any person transporting municipal waste within the township shall prevent and/or clean up and remove any spillage from vehicles or container.

§ 115-16. Frequency of collection.

- A. Municipal waste to be collected by a collector shall be collected at least once each week.

³ Editor's Note: Said Plan is on file in the Administrative Offices of the township.

- B. Any persons who dispose of their own municipal waste shall collect the same at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly or potentially harmful to the public health.

§ 115-17. Agreements and charges for collection.

All agreements and charges for collection, transportation and disposition of municipal waste shall be by private contract between the person and the collector.

§ 115-18. Recycling regulations.

The municipality may establish and revise from time to time regulations for the placing of recyclables for collection.

§ 115-19. Property of recyclables.

From the time of placement of recyclables by anyone for collection in accordance with the terms hereof, items shall be and become the property of the party designated by the municipality or its agents. It shall be a violation of this chapter for any unauthorized person to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one (1) or more residences shall constitute separate and distinct offense punishable as hereinafter provided.

§ 115-20. Violations and penalties.⁴

Any person violating any of the provisions of this chapter shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.), plus costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Every violator of the provisions of this chapter 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.

§ 115-21. Effect of other legislation.

This chapter shall be subject to all applicable federal and state laws, rules and regulations, including the rules and regulations as set forth by the Pennsylvania Department of Environmental Resources.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 115-22. Authority of Board to establish and revise regulations.

The Supervisors of may establish and revise regulations governing any matters covered by this chapter.