

SPRING TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

Ordinance No. 2017-04

SOLID WASTE AND RECYCLING ORDINANCE.
AN ORDINANCE OF SPRING TOWNSHIP ENTITLED "SPRING TOWNSHIP SOLID
WASTE AND RECYCLABLES STORAGE, COLLECTION, DISPOSAL AND
PROCESSING ORDINANCE" REGULATING THE STORAGE, COLLECTION AND
DISPOSAL OF SOLID WASTE

§101. TITLE, PURPOSE AND DEFINITIONS.

1. Title. This Ordinance shall be known as the "Spring Township Solid Waste and Recyclables Storage, Collection, Disposal and Processing Ordinance."

2. Intent and Purpose.

A. It is the intent and purpose of this Ordinance to promote public health, safety and welfare and to eliminate public health hazards, environmental pollution and economic loss by providing that all residential, commercial and industrial refuse accumulated or stored upon any property within Spring Township shall be collected and removed by a responsible person or hauler and shall be disposed in an area authorized by and approved by Spring Township in accordance with all State, Federal and local laws and ordinances.

B. It is also the intent and purpose of this Ordinance to promote public health, safety and welfare and to eliminate public health hazards, environmental pollution and economic loss by providing that all material (separated and stored for recycling at any residential, commercial, institutional or municipal establishment in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and local ordinances and regulations) shall be collected and removed by a responsible person or hauler and shall be delivered to a recycling processing center authorized by Spring Township for processing and marketing in accordance with all State, Federal and local laws and ordinances.

3. Definitions. For the purpose of interpreting the provisions of this Ordinance, the following words shall have the meaning or meanings ascribed:

ASHES - residue from the burning of coal, coke or other combustible material.

BULKY WASTES - municipal waste which is too large and/or heavy to be placed in standard 30 gallon garbage (municipal waste) bags and/or garbage (municipal waste) receptacles including, but not limited to, appliances, furniture and large auto parts.

CARTWAY - paved area of street, alley, road, avenue, etc.

CONSTRUCTION and/or DEMOLITION WASTE - solid waste (as defined in Act 101) resulting from the construction and/or demolition of buildings and other structures including, but not limited to, wood, plaster, metals, asphaltic substances, brick block and unsegregated concrete. The term also includes dredging waste. The term does not include the following, however, if the same are separate from other waste and are used as "clean fill" (e.g. material used to level uneven areas of real estate):

(1) Uncontaminated, soil rock, stone, gravel, unused bricks and/or concrete.

(2) Waste from land bearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

SPRING TOWNSHIP - the township adopting and enforcing this Ordinance and any amendments thereto. Any reference to Spring Township herein shall also be a reference to any designee or agent of the said Spring Township.

DISPOSAL - storage, collection, disposal or handling of garbage, municipal waste and other refuse material.

GARBAGE - all crockery, dishes, ashes, cinders, rubber, linoleum, asphalt or tarry products (e.g. roofing paper and shingles), grease and putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

HAZARDOUS WASTE - any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contain gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities or any combination of the above. Does not include solid or dissolved material and domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended, (86 Stat. 880) or source, special nuclear or byproduct material as defined by the U.S. Atomic Energy Act of 1954, as amended, (68 Stat. 923), which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term of "hazardous waste" shall not include coal refuse, as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." Hazardous 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 Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law."

HAULER - a person who collects, transports and/or disposes of municipal waste, other refuse material and/or recyclables from residential, commercial and/or industrial establishments.

MUNICIPAL WASTE - any garbage, refuse, industrial lunchroom or office waste and other material, including liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community

activities (including, but not limited to, festivals). The term does not include source separated recyclable materials.

SPRING TOWNSHIP - Spring Township, Perry County, Pennsylvania.

NUISANCE - any condition, structure or improvement which shall constitute a threat to the health, safety or welfare of the citizens of Spring Township.

OCCUPANT - person generally in possession and control of any residential, commercial, institutional or industrial establishment.

PERSON - every natural person, association, firm or corporation. Person also includes a lessee as well as an owner of a residential establishment and includes a person, association, firm or corporation which owns a residence or business.

RECYCLABLES - materials generated by a person which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclables include at a minimum, the following:

newsprint, aluminum cans, bimetallic cans, clear and/or colored glass, plastic beverage containers, high grade office paper, corrugated paper and paperboard, leaf waste, e-Waste, HHW, and such other materials as may be designated or deleted from time to time by resolution.

RECYCLING PROCESSING CENTER - a facility that receives, sorts, separates, prepares and markets collected recyclables.

REFUSE - any material other than residual waste, municipal waste, hazardous waste and/or recyclables.

RESIDUAL WASTE - any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge that is not otherwise hazardous from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution

control facility or recycling processing center, provided that 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.

SPECIAL RECYCLABLES - recyclables other than those recyclables mandated herein to be collected at the curb side, that are marketable as scrap, recyclable or reusable such as angle and cast iron, copper, etc.

WASTE DUMPSTER and/or WASTE CONTAINER - any non-motorized and/or nonpropelled receptacle designed to hold and/or receive municipal waste and/or other refuse material, capable of being lowered and lifted by motor vehicle or truck for the purpose of municipal waste and/or other refuse material collection.

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

Other words not defined herein shall have the meaning set forth in the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and any regulations promulgated from this Act or related statutes, this Ordinance and any other applicable ordinance or regulation of Spring Township.

§102. HAULER REQUIREMENTS.

1. Collection Vehicles; Specifications and Condition.

A. No hauler shall operate, cause or permit to be operated, any motor vehicle or truck for collecting or disposing of municipal waste and/or other refuse material within the limits of Spring Township unless such motor vehicle or truck shall be equipped with a fireproof and leak proof compacting compartment or have provisions to securely cover waste or recycled material.

If waste or recyclables are collected in open bed vehicles, said items and materials shall be secured and completely covered with a water proof tarpaulin.

B. No vehicle used in the collection, transportation or disposal of municipal waste, recyclables and/or other refusal material shall scatter any of said material, leachate or vehicle fluids on the streets, roads, highways, alleys or other property (private or public) in Spring Township.

C. Vehicles used to collect or transport municipal waste and/or other refuse materials shall be maintained in a sanitary condition so as to present as satisfactory outward appearance and shall meet all the requirements of Spring Township and the Pennsylvania Department of Environmental Protection.

D. Vehicles used to collect or transport municipal and residual waste in the state of Pennsylvania shall be licensed by the Pennsylvania Department of Environmental Protection, pursuant to The Waste Transportation Safety Act (Act 90). This applies to waste transportation vehicles (trucks and truck tractors) with a registered gross vehicle weight greater than 17,000 lbs., and trailers with a registered gross vehicle weight greater than 10,000 lbs. All waste haulers operating in Spring Township must have a valid Waste Transporter Authorization.

E. Spring Township or its agent shall have the right to inspect any vehicles used to collect or transport municipal waste, other refuse material or recyclables at any reasonable time for the purpose of determining compliance with this Ordinance or any other ordinance, resolution and/or regulation of Spring Township. The hauler shall correct deficiencies immediately upon notification by Spring Township, and said collection vehicle shall not be used for the purposes set forth in this Ordinance until said deficiencies have been corrected.

F. Each hauler shall maintain its equipment in such condition as to be able to maintain their collection schedule.

G. Trucks and/or other vehicles used for the collecting, transporting, disposing or removing any municipal waste, other refuse material or recyclables in Spring Township shall meet the following requirements:

(1) Packers. All municipal waste, other refuse material, any recyclables shall be closed within the confines of the cargo area, which shall be watertight.

(2) Dump Trucks. If constructed with completely metal beds and lacking additional wooden sideboards, such truck shall be covered with a waterproof tarp as set forth in §102(1)(A.).

(3) Any trucks or vehicles used for the collection and/or transporting of recyclables within Spring Township shall conform to the requirements of the Recycling Ordinance Guidelines promulgated pursuant to this Ordinance and any other applicable ordinance, resolution or regulation of Spring Township.

(4) Any and all vehicles used for collection of municipal waste, other refuse material and/or recyclables, shall be clearly marked to identify the person which collect(s) municipal waste, other refuse and/or recyclables pursuant to this or any other applicable Spring Township ordinance. The marking used by said person shall contain lettering no less than 6 inches in height.

2. Waste Dumpsters and/or Specifications and Conditions.

A. Any waste dumpster and/or waste container(s) placed in public right-of-ways shall, in addition to being subject to the requirements of §104(1)(E), be illuminated with warning light, light reflector or a reflectorized material visible to oncoming vehicles for a distance of not less than 300 feet, between the hours of sunset and sunrise.

B. Any waste dumpster and/or waste container shall be equipped with a cover so that when not in use, material will not blow from the container, nor will significant amounts of water accumulate in the waste dumpster and/or waste container so as to cause leakage.

C. Liquid leachate shall not leak from any waste dumpster and/or waste container onto any street, sidewalk or public right-of-way.

D. The name of the hauler responsible for the placement, emptying or removal of the waste dumpster and/or waste container must prominently be displayed thereon.

§103. RECYCLING REQUIREMENTS.

1. Spring Township and/or its designee may, from time to time, execute contracts on terms and conditions as deemed advisable with a person(s) to provide recycling collection and processing services for the recyclables dropped off by residents and businesses at Spring Township's drop-off recycling facility.

2. Recycling service providers shall provide written or electronic documentation of recyclable material recovery that at minimum shall include:

- A. Certified weights of the material
- B. The broker or end market that bought or took the material
- C. The date that the material was collected and/or sold.
- D. Other information as Spring Township may find valuable.

3. Material that is dropped-off at Spring Township's recycling facility shall be free of trash and non-recyclable contaminants as specified in written instructions or signage at the facility. Dumping of material not accepted at the facility shall constitute illegal dumping of waste and offenders may be prosecuted for said violations.

4. It shall be unlawful for any person to burn those materials which are recycled at Spring Township's drop-off recycling facility or as part of other regular special recycling events in the county. These would include, but not be limited to, the following materials:

A. Clear glass, colored glass, aluminum, steel and bimetallic cans, mixed recyclable paper, newsprint (newspaper), plastic bottles and any and all other source separated recyclable material, which may, from time to time, be determined by resolution.

B. Electronic Wastes of any kind, including but not limited to items described in the Covered Device Recycling Act of 2010.

C. Hazardous Wastes

D. Tires

§104. COLLECTION OF MUNICIPAL WASTE, OTHER REFUSE MATERIAL AND/OR RECYCLABLES.

1. Point of Collection.

A. Municipal waste, other refuse or recyclables shall be placed at the edge of the cartway or any other designated place for collection no sooner than 6:00 p.m. on the day before the scheduled day for collection each week.

B. Each hauler shall collect all municipal waste, other refuse material and/or all recyclables that have been placed at the side of the cartway or other designated location by its customers for collection, except as otherwise provided in this Ordinance or any other ordinance, resolution or regulation of Spring Township.

C. In the event a person is disabled, under the definition of the Americans with Disabilities Act of 1990, and said person due to the disability is unable to place municipal waste, refuse and/or recyclables, generated at said person's residence, at the curb side and said person in any manner notifies their hauler of said person's disability, the hauler shall make reasonable

accommodations with said disabled person as to a more accommodating place for placement and collection of the municipal waste, refuse and/or recyclables by the hauler.

D. If a person who is disabled pursuant to the immediately preceding subsection, requests said person's hauler to make reasonable accommodations as to a more accommodating place for placement and collection of municipal waste, refuse and/or recyclables and said hauler refuses and/or the said person believes the accommodations made are not reasonable, said person, or person's agent(hereinafter "complainant") shall notify Spring Township within 30 days of said accommodations, if believed to be unreasonable by the complainant or within 30 days of request by the complainant for reasonable accommodations if none have been made by the complainant's hauler. The Manager of Spring Township or Spring Township's duly authorized agent shall, within 15 days of said notice by the complainant, investigate the complaint, and if found to be valid, shall, within 30 days of said complaint, notify the complainant's hauler, in writing, by certified mail, return receipt requested, of the deficiency, with a photocopy of said notice to the complainant, and indicate the corrective action to be taken within 10 days of receipt of said notice. Failure of said hauler to comply with the directives of the notice shall constitute a violation of this Ordinance, and may subject the said hauler to penalties.

E. Each hauler owning, leasing and/or otherwise placing or causing to be placed any container at any type of establishment for the purpose of placing municipal waste, other refuse material and/or recyclables therein for later collection, shall ensure that any such container is emptied within 48 hours of the same becoming full to capacity, regardless of whether the fee for collection of the same has been paid. Nothing herein shall prevent the hauler from removing said hauler owned or leased container from the establishment for nonpayment of collection services so long as the container is emptied with regard to municipal waste, at a permitted landfill facility

licensed by the Commonwealth of Pennsylvania and, with regard to recyclables, at a recycling center licensed by Spring Township.

2. Days and Hours of Collection.

A. Collection Days Established.

(1) Days of Collection. Spring Township may, by resolution, establish specific days or hours for collection of waste or recyclable materials

(2) No Collection Days Established. A hauler shall not be permitted to collect, remove and/or transport municipal waste, other refuse material and/or recyclables from residential establishments and/or multi-family establishments with four or more units on Sundays, Thanksgiving Day, New Year's Day, Memorial Day, Independence Day, Labor Day and Christmas Day and at such other times as may be announced by Spring Township in situations considered to be an emergency by Spring Township. Any time and date of collection may, at any time, be changed by resolution of Spring Township Governing Body of Spring Township.

B. Hours of Collection. The collection of municipal waste, other refuse material and/or recyclables at residential establishments and/or multifamily dwellings having more than four Units per structure, shall only occur between the hours of 4 a.m. and 10 p.m. on any single day of collection and shall not occur at any other time, unless otherwise provided herein or by Spring Township.

C. Residential Municipal Waste Removed At Least Once Per Week. Each hauler pursuant to this Ordinance shall, for its own customers, collect and remove any municipal waste and/or refuse material placed for collection by occupants of residential establishments, at least once each week, except for the collection of recyclables at residential establishments, which shall be collected as set forth in the Recycling Ordinance Guidelines.

D. Commercial Removal. Each hauler shall collect municipal waste or other refuse material from commercial establishments at least once every week and shall collect said municipal waste and/or other refuse material more often if necessary to control health hazards or to prevent the accumulation of municipal waste or other refuse material so as to create a nuisance, odor, unsightly appearance.

E. Bulky Waste Removal. All haulers, upon oral and/or written notification by persons who own and/or occupy residential establishments shall, within 14 days of such notification, collect bulky waste and/or special recyclables from the residential establishments indicated in such notification.

3. Preparation for Collection.

A. Waste Service Required. It shall be the duty of the owner of all residential establishments, rented or otherwise occupied by said owner and of all establishments containing multifamily rental housing property with four or more units and commercial, municipal and institutional establishments to contract the services of a hauler to collect any municipal waste, other refuse material (on at least weekly basis) and/or recyclables (in accordance with any Guidelines promulgated pursuant to this Ordinance and any other applicable ordinance or regulation of Spring Township) resulting from the operation of any such establishment unless said establishment, by some other means, disposes of the same at a duly approved municipal waste facility or a duly approved recycling processing facility on a regular basis, retaining as proof thereof, at a minimum, monthly disposal receipts from such facility.

B. Preparation. All residential establishments, multifamily rental housing property with four or more units and commercial, municipal and institutional establishments shall prepare said materials as follows:

(1) All municipal waste and/or material shall be drained of liquid insofar as practical and shall be placed in sanitary sealed bags, containers and/or cans made of nonabsorbent material.

(2) Containers used by residential establishments shall not exceed 30 gallons in size (unless the hauler utilizes semi-automated collection technology that allows use of larger carts). Cans shall be rust-resistant material and shall be furnished and kept clean by the occupant and shall be replaced by the occupant when no longer in satisfactory condition.

(3) All municipal waste which cannot be disposed of in containers shall be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise, while awaiting Collection.

(4) All refuse except bulky waste shall be of units and weight such as can be handled by one person and shall be placed in containers or piled and assembled in such a way as to facilitate collection.

(5) All containers shall be kept on the resident's property until it is placed for collection as in subsection (1) of this Section.

(6) Establishments containing multifamily rental housing property with four or more units and commercial, municipal and institutional establishments shall place all municipal waste emanating from said establishments in containers made from rust-resistant material of sufficient size and strength to fully accommodate all such municipal waste and of such design to prevent animals from gaining access to such waste. Said containers kept at such establishments shall be kept clean and be replaced when needed by the occupants, owners, landlords and/or agents of such persons.

(7) Construction and/or demolition waste must be placed in a rigid container, roll over solid waste vehicle and may not be stored on the ground, next to structures (as the same may be defined in Spring Township Zoning Ordinance) and/or public rights-of-way. Trucks and

containers must be emptied when full or at least once per week at a minimum. Only inert clean fill may be buried and then only if stabilized and revegetated.

§105. MISCELLANEOUS.

1. Insurance Coverage.

A. All haulers shall carry an insurance policy providing comprehensive liability and property damage insurance, the limits of said insurance policy shall be not less than \$300,000 for personal liability and \$300,000 for property damage and may be required to furnish proper certificate of insurance to Spring Township.

B. All haulers shall carry an insurance policy providing for Workmen's Compensation insurance, as required by the Commonwealth of Pennsylvania, and may be required to furnish proper certificate of insurance coverage for Worker's Compensation to Spring Township.

2. Accumulation of Garbage Prohibited. It shall be unlawful to place or permit to remain any municipal waste or refuse material or other material subject to decay, including recyclables, except yard waste that is composted in an acceptable manner, anywhere in Spring Township, except in a tightly covered metal or plastic container.

3. Independent Contractor Status. All haulers shall not in any manner be construed as an agent, servant or employee of Spring Township, but shall at all times be considered and remain an independent contractor. Furthermore, any and all personal and/or real property owned, leased or controlled by any hauler shall at all times be considered and remain as the sole personal and/or real property of said person.

4. Enforcement. Spring Township is hereby authorized to promulgate rules and regulations or guidelines and to issue forms as necessary to implement this Ordinance. In order to ensure compliance with all applicable Spring Township ordinances, Spring Township, its agents (including, but not limited to, Perry County and the Perry County Conservation District)

and/or Spring Township's employees, may conduct inspections of any and all municipal waste, other refuse material and/or recyclables placed at the point of collection for pickup. Perry County, the Perry County Conservation District and Spring Township Code Enforcement Department are hereby authorized to enforce the provisions of this Ordinance, and any and all Solid Waste and/or Recycling Ordinances, all as may be amended from time to time, enacted by Spring Township.

5. Penalty/Offense. Any person who operates, causes or permits to be operated a motor vehicle or truck in violation of this Ordinance or who causes or permits the accumulation of municipal waste, other refuse material or recyclables in violation of this Ordinance or any person who violates any other provision of this Ordinance shall be, upon conviction thereof, sentenced to pay a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

6. Repealer. Any ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

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

8. Effective Date. With the exception of Section 104 above, this Ordinance shall become effective on the earliest date provided by law. Section 104 above, shall become effective within thirty (30) days of adoption of this Ordinance.

ORDAINED AND ENACTED as an Ordinance of the Governing Body of Spring Township on this _____ day of _____, 2017.

ATTEST:

SPRING TOWNSHIP
BOARD OF SUPERVISORS

Township Secretary

Doug Wentzel, Chairman

David McLaughlin, Supervisor

Jesse Singleton, Supervisor

CERTIFICATE

I, the undersigned, Secretary of Spring Township, Perry County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on _____, 2017; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this _____ day of _____, 2017.

Secretary

(SEAL)