

ORDINANCE NO. 3-2015
SOLID WASTE AND RECYCLING ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF ANTIS ENTITLED "ANTIS
TOWNSHIP SOLID WASTE 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 "Antis Township Solid Waste Storage, Collection, Disposal and Processing Ordinance."

2. **Intent and Purpose.**

It is the intent and purpose of this Ordinance to promote the 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 Antis Township shall be collected and removed by a responsible person or hauler and shall be disposed in an area authorized by and approved 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.

TOWNSHIP OF ANTIS – the municipality adopting and enforcing this Ordinance and any amendments thereto. Any reference to Antis Township herein shall also be a

reference to any designee or agent of the said Antis 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, semi-solid 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, or source, special nuclear or byproduct material as defined by the U.S. Atomic Energy Act of 1954, as amended, 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, festivals). The term does not include source separated recyclable materials.

MUNICIPALITY - the Township of Antis.

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

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 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.

RESIDENTIAL CONTAINER - any non-motorized and/or nonpropelled receptacle designed to hold and/or receive municipal waste and/or other refuse material, intended or actually used for the purpose of storing such material until collected by a hauler or otherwise lawfully disposed.

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 - 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, and any other applicable ordinance or regulation of Antis Township.

§102. COLLECTION OF MUNICIPAL WASTE AND OTHER REFUSE MATERIAL.

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 24 hours before the scheduled day and time 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 the Municipality.
- C. 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 the Municipality.

2. 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 and other refuse material (on at least a weekly basis) 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 or more frequent disposal receipts from such a facility, and all such establishments shall prepare said materials as follows:

- A. All municipal waste and/or material shall be drained of liquid insofar as practical and shall be placed in sanitary Residential Containers made of nonabsorbent material. Any type of Residential Container shall be permitted, but all owners of residential establishments shall assure that such Residential Containers are capable of keeping waste and/or material contained, and such owner shall be responsible for the failure of any such Residential Container to do so, whether or not the failure was caused by rusting, tearing or other deterioration of the container itself or by animals, weather, or any other cause.
- B. Cans shall be furnished and kept clean by the occupant and shall be replaced by the occupant when no longer in satisfactory condition.

- C. 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.
 - D. 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.
 - E. All containers shall be kept on the resident's property until it is placed for collection as in subsection (1) of this Section.
 - F. 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.
 - G. Construction and/or demolition waste must be placed in a rigid container, roll off or solid waste vehicle and may not be stored on the ground, next to structures and/or public rights-of-ways.
 - H. In addition to other burning prohibitions designated by state law or local ordinances or regulations, no recyclable material or yard waste may be burned in open fires or other outdoor burning devices.
3. Transfer of Municipal Waste. No person shall transfer or permit to transfer municipal waste and/or other refuse material from one collection vehicle to another collection vehicle in any area of the Municipality except as follows:
- A. When said vehicles are parked at a duly approved transfer station.
 - B. When, due to terrain and/or weather conditions, the hauler's collection vehicle, due to its size and/or tire traction, is unable to gain access to the area (e.g. a rural or extremely hilly area of the Municipality) where the said waste is placed by the hauler's customer for collection. Only solid waste collected under these conditions may be so transferred from one collection vehicle to another collection vehicle. Said transfer must be from truck to truck and no waste, recyclable materials or liquid leachate may touch or be left on the ground or pavement.
4. All persons owning property in the Township or creating, storing or hauling waste or other material in the Township shall comply at all times with any and all applicable local, county, state or federal ordinances, laws or regulations.

§103. MISCELLANEOUS.

- A. 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 the Municipality, except in a tightly covered metal or plastic container.
- B. Independent Contractor Status. All haulers shall not in any manner be construed as an agent, servant or employee of the Municipality, 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.
- C. Rules and Regulations. The Municipality is hereby authorized to promulgate rules and regulations and to issue forms as necessary to implement this Ordinance.
- D. Penalty/Offense. Any person who violates any provision of this Ordinance shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$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.
- E. The Intermunicipal Relations Committee and Municipality 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 the Municipality.

SECTION 2. REPEALER.

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

SECTION 3. 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 Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective on the earliest date provided by law.

ADOPTED as an Ordinance of the Board of Supervisors of the Township of Antis, Blair County, Pennsylvania, at a meeting of said Board of Supervisors held on the 6th day of August, 2015.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seal this 6th day of August, 2015.

TOWNSHIP OF ANTIS

By Kenneth Hedler

[Signature]

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ATTEST:

[Signature]
Secretary

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