

Chapter 20

Solid Waste

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Part 1**Solid Waste Management****§20-101. Short Title.**

This Part shall be known and referred to as the “Solid Waste Ordinance.”
(*Ord. 124, 9/28/1992, §I*)

§20-102. Definitions.

1. The following words and phrases as used in this Part shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

Act 97 - the Pennsylvania Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980, 35 P.S. §6018.101 *et seq.*

Act 101 - the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act No. 101, July 28, 1988, 53 P.S. §4000.101 *et seq.*

Agricultural waste - poultry and livestock manure, or residual materials in liquid or solid form, generated in the production, and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural, and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.

Bulky waste - large items of solid waste including but not limited to appliances, vehicles, furniture, large auto parts, and tires; and trees, branches, or stumps which may require special handling due to their size, shape, or weight. [*Ord. 124A*]

Commercial establishment - any establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

Construction and demolition waste - all municipal and residual waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

Department - the Pennsylvania Department of Environmental Protection. [*Ord. 199*]

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Domestic waste or household waste - solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage - any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient

rapidity to cause such nuisances as odors, gases, or vectors.

Hauler or private collector - any person, firm, copartnership, association, or corporation who has been licensed by the County or its designated representative to collect, transport, and dispose of refuse for a fee as herein prescribed.

Hazardous waste - any solid waste or combination of solid wastes, as defined in Act 97 or 101 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; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Industrial establishment - any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

Institutional establishments - any establishment engaged in service including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

License - a legally constituted requirement (Act 101 of 1988) imposed by the County Commissioners of Cambria County for the purpose of collecting and hauling municipal waste from any municipality within Cambria County. This license shall also designate the required disposal site or sites as included in the County's Municipal Waste Management Plan.

Municipal waste - garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid, 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 under Acts 97 or 101 from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

Municipality - the Township of Cambria, Cambria County, Pennsylvania.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Processing - any technology used for the purpose of reducing the volume or bulk of municipal or residual 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, and resource recovery facilities.

Refuse - all solid waste materials which are discarded as useless.

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 from an industrial, mining or agricultural water supply treatment facility, wastewater treatment

facility, or air pollution control facility, provided that it 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.

Rubbish - all nonputrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood, and yard cleanings.

Scavenging - the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

Sewage treatment residues - any coarse screenings, grit and dewatered, or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Acts 97 and 101.

Solid waste - any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid, or contained gaseous material.

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

Transportation - the off-site removal of any solid waste at any time after generation.

Transfer station - any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

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

(Ord. 124, 9/28/1992, §II; as amended by Ord. 124A, 8/26/1996; and by Ord. 199, 2/9/2009)

§20-103. Prohibited Activities.

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste, except in accordance with the provision of this Part, any Department rules and regulations adopted pursuant to Act 97 and Act 101.

2. It shall be unlawful for any person to burn any solid waste within the Township except in accordance with the provisions of this Part, any Department rules and regulations adopted pursuant to Act 97 and Act 101.

3. It shall be unlawful for any person to dispose of any solid waste in the Township except in accordance with the provisions of this Part and any Department rules and regulations adopted pursuant to Act 97 and Act 101.

4. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Township without first securing a license to do so in accordance with the provisions of this Part.

5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Township without prior approval by the Township.

6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Township except at an approved and permitted resource recovery facility under Act 97 and Act 101, and any Department rules and regulations adopted pursuant to these Acts.

7. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed, or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Township except as provided in this Part.

8. It shall be unlawful for any person to place a used lead acid battery in mixed municipal solid waste, discard, or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth.

9. It shall be unlawful for any municipal waste landfill to accept for disposal, and no resource recovery facility may accept for processing, other than composting, truckloads composted primarily of leaf waste.

10. Nothing contained in the Part shall prevent the use of agricultural waste by any person or entity as fertilizer upon agricultural lands nor the burning of any tree stumps, trees, or parts thereof, or leaves or other plant life/items provided such fertilizer utilization or burning is done in accordance with Township Ordinance and/or is permitted under Federal or State rules or regulations.

(Ord. 124, 9/28/1992, §III)

§20-104. Standards for Storage of Solid Waste.

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage, or breeding of insect or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.

2. Any person or entity producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

3. Any person storing municipal waste for collection shall comply with the following preparation standards:

A. All municipal waste shall be drained of free liquids before being placed in storage containers.

B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

C. All cans, bottles, or other food containers should be rinsed free of food particles and drained before being placed in storage containers.

D. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than 4 feet in length, not more than 2 feet in diameter and not more than 40

pounds in weight. Such materials may also be composted by the Township and/or by the property owner.

E. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than 50 pounds in weight.

F. When specified by the Township or its designated representatives, special preparation and storage procedures may be required to facilitate the collection and resource recovery (recycling) of certain waste materials.

4. Any entity or person storing municipal waste for collection shall comply with the following storage standards:

A. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

B. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.

C. Containers shall be used and maintained so as to prevent public nuisances.

D. Containers that do not conform to the standards of this Part or which have sharp edges, ragged edges, or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Township its designated representative or the individual collector.

E. Containers shall be placed by the owner or customer at a collection point specified by the Township, its designated representative, or the individual collector.

F. With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner's or customer's premises at all times.

G. Bulk waste items such as furniture, automobile parts, machinery, appliances, and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards, and fire hazards.

5. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom, or office waste sources is subject to the regulations and standards set forth in this Part. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and may be subjected to approval by the Township.

(*Ord. 124, 9/28/1992, §IV*)

§20-105. Standards and Regulations for Collection and Transportation.

1. The Township may/could provide for the collection of all garbage, rubbish, and bulky wastes from individual residences and multi-family residential sources with less than four units, or it may contract with a private collector or collectors to provide this essential residential collection service, or it may allow the individual resident provide for disposal with a County licensed hauler at an approved disposal site.

2. All households and homeowners shall utilize the residential collection service provided by the Township if a residential collection service is provided by the Township

all households and homeowners shall utilize same unless they can demonstrate that they have made alternative arrangements that are consistent with this Part and approved by the Township.

3. All multi-family residential sources (with more than four units), commercial, institutional, and industrial establishments shall negotiate and individually contract collection service with the Township's collector, if any, or other properly licensed waste hauler of their choice.

4. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with a licensed hauler for disposal at an approved appropriate site.

5. All commercial, institutional, public, and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The Township reserves the right to require more frequent collection when deemed necessary.

6. Residential collection schedules shall be a matter between the licensed hauler and the customer, subject to review by the Township to determine compliance with the Part.

7. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 8 a.m. and 6 p.m. or on Saturdays between the hours of 9 a.m. and 12 p.m., unless prior approval of any exception has been granted by the Township. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.

8. All licensed haulers providing service to the Township and/or its residents shall comply with the following standards and regulations:

A. All municipal waste collected within the Township shall be conveyed by the hauler to a transfer station, processing facility, or disposal site designated in the approved Cambria County Municipal Waste Management Plan.

B. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Acts 97 and 101, and any Department regulations adopted pursuant to Act 97 and Act 101, and must be licensed by the Cambria County Commissioners or their designated agent.

C. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors, and other nuisances.

D. Collection vehicles for rubbish and other nonputrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards, and nuisances.

F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 124, 9/28/1992, §V)

§20-106. Collection and Disposal Charges.

The licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal services provided to the residential, commercial, institutional or industrial sources or the Township. Nothing contained in this Part is to be construed as to place liability for collection or disposal of solid waste on the Township absent express agreement by the Township.

(Ord. 124, 9/28/1992, §VI)

§20-107. Administrative Appeals.

1. All appeals shall be made in writing to the Board of Supervisors.

2. Pending a reversal or modification, all decisions of the Township shall remain effective and enforceable.

3. Appeals may be made by the following persons:

A. Any person who is aggrieved by a new standard or regulation issued by the Township may appeal within 10 days after the Township gives notice of its intention to issue the new standard or regulation.

4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the Township shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(Ord. 124, 9/28/1992, §VII)

§20-108. Injunction Powers.

The Township may petition the Cambria County Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part.

(Ord. 124, 9/28/1992, §VIII)

§20-109. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 124, 9/28/1992, §IX; as amended by Ord. 199, 2/9/2009)

Part 2**Mandatory Recycling of Leaves****§20-201. Purpose.**

It is the purpose of this Part to establish a program whereby leaves are collected by the Township of Cambria for composting or other recycling so as to avoid burdening landfills and to avoid the nuisance and annoyance to neighbors and the risk to public safety from burning.

(Ord. 155, 2/22/1999, §I)

§20-202. Definitions.

Leaf or leaves - all leaves falling from outdoor trees onto a property, and which are raked or collected in some manner by the property owner or his tenant, agent, or contractor.

Grass - all grass trimmings or other yard trimmings.

Yard waste - small twigs and branches which are no more than 6 inches long or no more than ½ inch in diameter.

(Ord. 155, 2/22/1999, §II)

§20-203. Recycling Mandated.

1. All residents of the Township shall, as required, place all leaves, grass, and/or yard waste at the boundary of their property and the public right-of-way for collection by the Township.

2. Leaves shall be placed at the edge of the public right of way in a clean and loose condition and shall be free of any other household garbage or other trash or refuse. Leaves shall not be placed in bags.

(Ord. 155, 2/22/1999, §III)

§20-204. Burning and Other Disposal Prohibited.

It shall be a violation of this Part which shall subject owner of property, tenant, or other person responsible for violation to burn leaves, grass, or yard waste or dispose of leaves, grass, or yard waste with household garbage.

(Ord. 155, 2/22/1999, §IV)

§20-205. Alternate Collection Dates.

The Board of Supervisors is hereby invested with the authority to declare alternative and additional collection dates for leaves, grass, and suitable yard waste, when climate or other conditions render it appropriate. To establish an alternate or additional collection date an advertisement of collection schedule shall be placed in *The Mountaineer Herald* at least 1 week in advance of collection and cause the collection schedule to be posted at public places throughout the Township.

(Ord. 155, 2/22/1999, §V)

§20-206. Schedule of Penalties.

In the event of this Part, the Township’s Police Department or Ordinance Enforcement Officer shall assess the following civil penalties:

| Offense | 1st Offense | 2nd Offense | 3rd Offense | Additional Offense |
|--------------------------------------|-------------------------------|-------------------------------|-------------------------------|---------------------------|
| Burning leaves, grass, or yard waste | \$50 | \$100 | \$150 | \$200 |
| Other refuse with leaves | \$25 | \$50 | \$100 | \$500 |
| Other violations of this Part | \$1,000 | \$1,000 | \$1,000 | \$1,000 |

(*Ord. 155, 2/22/1999, §VI*)

§20-207. Enforcement.

Failure to pay a civil penalty within 30 days of assessment shall subject the responsible party to an enforcement action before a local magisterial district judge, and upon judgment, the responsible party shall pay the assessment, costs of the action, and attorney fees of the Township.

(*Ord. 155, 2/22/1999, §VII; as amended by Ord. 199, 2/9/2009*)