

Chapter 67
SOLID WASTE

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[HISTORY: Adopted by the Board of Supervisors of the Township of Haines: Art. I, 4-28-1962 by Ord. No. 2; Art. II, 11-3-1986 by Ord. No. 16. Amendments noted where applicable.]

ARTICLE I
Garbage, Rubbish and Refuse
[Adopted 4-28-1962 by Ord. No. 2]

§ 67-1. Definitions; word usage.

- A. The following words and terms as used in this article shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning:

COMBUSTIBLE REFUSE — All paper, straw, excelsior, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

GARBAGE — All table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof and other articles and materials ordinarily

used for food and which have become unfit for such use for which reason they are discarded.

INCOMBUSTIBLE REFUSE — All discarded articles or materials, except sewage, liquid waste, garbage and combustible refuse.

PERSON — Any natural person, association, partnership, firm or corporation.

REFUSE — All combustible refuse and incombustible refuse referred to collectively.

RUBBISH — All miscellaneous waste material not otherwise included herein, such as ashes, tin cans, glass, pottery, prunings from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.

- B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 67-2. Accumulation prohibited; exception.

- A. From and after the effective date of this article, and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in said township, garbage, refuse, combustible or incombustible refuse or rubbish.
- B. Clean ashes without foreign material may be accumulated on property and must be cleaned up by May 30 of each year. [Added 5-23-1963 by Ord. No. 3]

§ 67-3. Burning of toxic materials. [Added 11-7-1988 by Ord. No. 2B]

However, nothing contained in this article shall be deemed to permit the burning of toxic materials within the township and the burning of such toxic materials is specifically prohibited, subject to all penalties provided by this article and the laws of the Commonwealth of Pennsylvania.

§ 67-4. Disposal in dumping area; burning of combustible refuse. [Amended 5-23-1963 by Ord. No. 3]

It shall also be unlawful for any person to dispose of any refuse or garbage or rubbish in said township except by conveyance to the dumping area, which dumping area shall be located in a place to be designated from time to time by the Supervisors of said township; provided, however, that it shall be lawful to burn combustible refuse in an enclosed type of incinerator with a screen on top under the supervision of an adult person.¹

¹ Editor's Note: Original Section Four, which immediately followed and provided for the licensing of collectors, and licensing fees was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). For current provisions, see Art. II of this chapter.

§ 67-5. Revocation of license; exception.

- A. Any license issued pursuant to the provisions of this article shall be revocable by the Township Supervisors upon failure of the licensee to comply with any of the provisions of this article or any of the regulations of the Commonwealth of Pennsylvania, Department of Health, relating to collection and disposition of garbage, rubbish and other refuse material.
- B. The prohibitions contained in the preceding section shall not apply to any person who shall haul his own refuse, garbage or refuse, having first provided himself with a proper conveyance in which such rubbish, garbage and refuse can be conveyed in such a manner as not to be a source of annoyance, nuisance or unpleasant odors and so as not to leak, drip or be scattered upon any of the streets or alleys of the said township.

§ 67-6. Agreements for removal; rates.²

All agreements for the removal and collection of rubbish, garbage or refuse shall be by private contract between the individual citizen and the collector licensed for the purpose of collecting, removing, hauling and disposing of rubbish, garbage and other refuse material; provided, however, that the rate to be charged for collecting and hauling such garbage, rubbish and other refuse material shall be as set forth from time to time by resolution of the Board of Supervisors.³

§ 67-7. Disposal in approved areas only.

In order to end the objectionable practice of littering the countryside with rubbish and in order to eliminate problems with health and sanitation due to improper dumping and disposition of garbage, rubbish and other refuse materials, it shall be unlawful for any collector licensed to collect and dispose of garbage, rubbish and other refuse in said township to dispose of the same at any place other than in a dumping or disposal area which has been approved by the Township Supervisors and by the Commonwealth of Pennsylvania, Department of Health, and the township shall require the collector to furnish satisfactory evidence that the place where he intends to dispose of or dump said garbage, rubbish and other refuse material has been approved by the Commonwealth of Pennsylvania, Department of Health, it being contemplated that such disposal area shall provide for the disposal of rubbish, garbage and other refuse material by the sanitary land fill operation.

§ 67-8. Vehicle regulations.

Trucks or other vehicles used for the transportation of garbage, rubbish and other refuse shall be sufficiently tight and the load trimmed and secured in place by a canvas tarpaulin or other enclosure in such a manner as will prevent scattering of any part of the contents of said trucks or other vehicles on the streets or alleys of the township. The same shall be watertight and shall

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

³ Editor's Note: The Fees Resolution is on file in the township offices and may be examined there during regular office hours.

be closed at all times, save when garbage, rubbish and other refuse is being placed in the truck or other vehicle. It shall be cleaned at least twice a week to prevent any nuisance from odors and shall meet all of the requirements of the Township Supervisors and the respective Departments of Health having authority over the same.

§ 67-9. Preparation for collection.⁴

Each person who contracts with the licensed collector to collect and dispose of his garbage shall prepare the same as follows. All garbage shall be drained of liquid, insofar as practical, and shall be placed in sanitary, covered containers made of nonabsorbent material, provided with closely fitted covers. The same shall not exceed 32 gallons in size and shall be of a rust-resistant material. The cans shall be furnished by the customer and shall be cleaned by the customer following each collection and shall be replaced by such customer when no longer in good condition. All combustible refuse 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. All incombustible refuse shall be of units which can be handled by one person and shall be placed in containers or piled and assembled in such a way as to facilitate collection.

§ 67-10. Payment of operator of dumping area required.

Any person accumulating garbage or refuse or rubbish on property in the township who desires to dispose of said material in the dumping area as designated by the Township Supervisors shall be permitted to do so, provided that the charge or fee of the operator of the dumping area is paid to the operator for every load or part thereof that shall be disposed of in the dumping area; provided, however, that this shall only apply to persons disposing of their own garbage, refuse or rubbish.⁵

§ 67-11. Use of land as dumping ground restricted. [Amended 5-23-1963 by Ord. No. 3]

No person, firm or corporation shall use or permit to be used any spot or place within the township as a public or private dump for garbage or refuse. Any person within the township desiring to bury his own garbage, and his only, upon private ground must do so according to the requirements of the Pennsylvania Department of Health.

§ 67-12. Accumulation on private property.

No person shall accumulate garbage, rubbish or other refuse or waste material upon private property in the township except in such limited quantities and for such limited periods of time as shall ensure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish or refuse on any premises is hereby

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

⁵ Editor's Note: Original Section Twelve, which immediately followed this section and provided for disposal of garbage on private property was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish or other refuse material within 30 days after the effective date of this article shall be deemed a violation of this section of this article.

§ 67-13. Rules and regulations; appeals.

The collection of garbage, rubbish or other refuse material in the township and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the Township Supervisors, provided that all such rules and regulations shall not be contrary to the provisions of this chapter. Any aggrieved person shall have the right of appeal against any regulation made by the Supervisor to the Supervisors, who may confirm, modify or revoke any such regulations.

§ 67-14. Violations and penalties.⁶

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II
Storage Collection and Disposal
[Adopted 11-13-1986 by Ord. No. 16]

§ 67-15. Title.

This article shall be known as the "Haines Township Municipal Solid Waste Ordinance."

§ 67-16. Definitions.

The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

APPLICANT — A person desirous of being authorized as a collector.

COLLECTOR — A person authorized by Haines Township to collect, transport and dispose of municipal waste.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in a nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

DISPOSAL — The incineration, disposition, 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.

DISPOSAL SITE — Any site, facility, location, area or premises to be used for the disposal of municipal wastes.

GARBAGE — All animal and vegetable wastes attending or resulting from the handling of, dealing with storing of, preparation of, cooking of and consumption of foods.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.

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

MANAGEMENT — The entire process or any part thereof of storage, collection, transportation, processing, treatment and disposal of municipal wastes by any person engaging in such process.

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 and any sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. (Pennsylvania Solid Waste Management Act 97, Section 103⁷)

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 being subject to such rights and duties.

PROCESSING — 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.

REGULAR — At least three or more times per month.

REFUSE — The collective term applying to all garbage, rubbish, ashes, leaves and grass trimmings from residential, municipal, commercial or institutional premises.

SOLID WASTE — Any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103⁸)

⁷ Editor's Note: See 35 P.S. § 6018.103.

⁸ Editor's Note: See 35 P.S. § 6018.103.

STORAGE — 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.

TOWNSHIP — Haines Township, Centre County, Pennsylvania.

TRANSPORTATION — The off-site removal of any municipal waste generated or present at any time from the township.

§ 67-17. Storage of municipal waste.

- A. 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 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 wastes which may accumulate during the intervals between collection of such municipal waste by an authorized collector.
- B. Storage on residential properties.
- (1) Containers. All municipal waste accumulated by owners of each property and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, watertight and made of metal or plastic. The size of each such container shall not exceed a capacity of 32 gallons.⁹
 - (2) Location of containers. Each municipal waste container shall be located so as to be accessible to the collector. Failure to place containers at such locations may result in discontinuance of service.
- C. Storage on commercial, institutional and industrial properties.
- (1) 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 where the accumulation for each commercial, institutional or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Such special arrangements shall include the following:
 - (a) The type of special bulk container to be furnished by the collector and as may be approved by the township.
 - (b) The number of such containers as shall be agreed to between the collector and such owner or occupant of the commercial, institutional or industrial property to be used in any collection period.
 - (2) Location of containers. Containers for collection at commercial, institutional and industrial properties shall be located on such premises at a place agreed upon by such owner or occupant of the commercial, institutional and industrial property and the authorized collector and shall not be unsatisfactory to the township. Such locations

⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of public or private buildings.

§ 67-18. Authorization of collectors required; licensing.

- A. It shall be unlawful for any person, other than such persons as are duly authorized by the township, to collect and transport solid waste of any nature as a regular hauling business within or from the township. Authorization shall be given only as set forth below.
- B. 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 license. All applications for licensing shall be reviewed by the township and shall be approved in accordance with the following:
- (1) 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 article. The municipality reserves the right to disapprove any application for license.
 - (2) Applicants for a municipal solid waste collection license must furnish the following information:
 - (a) The number of vehicles and the make, model, license plate number and size of the vehicle to be used for collection and transportation.
 - (b) The location, address and telephone number of the business office of the applicant.
 - (c) A certificate of the applicant's Workmen's Compensation Insurance, as required by law.
 - (d) 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.
 - (e) Any other information which the township may request and deem necessary prior to the issuance of a license.
 - (3) Licenses shall be issued on a calendar year basis, but may be revoked at anytime by the township for just cause.
 - (4) Fees for licenses shall be set by the township and the amount shall be provided to any applicant or other person upon request.

§ 67-19. Transportation of solid waste.

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

§ 67-20. Disposal in designated facilities.

- A. All municipal waste produced, collected and transported from within the jurisdictional limits of the township shall be, to the extent permitted by law, disposed of at disposal facilities as designated by the township and in accordance with any currently effective solid waste management plan of the township. In the absence of such designated facilities and/or such currently effective solid waste management plan of the township, the township reserves the right to designate a state permitted facility of its choice or require that disposal be at a state permitted facility of the authorized collector's choice.
- B. If the township designates the disposal facilities as provided for above, all authorized collectors and other interested persons shall be informed by the township 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 of from within the township.

§ 67-21. Applicability.

- A. Nothing contained herein shall be deemed to prohibit any person 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.
- B. 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 wastes.
- C. The provisions of this article do not apply to anything but the storage, collection, transportation and disposal of municipal waste and do not apply, therefore, to hazardous or residual wastes as defined by the Pennsylvania Solid Waste Management Act.¹⁰

§ 67-22. Violations and penalties.

- A. This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.¹¹
- B. In addition to the foregoing penalty, the Township 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 10 days following written notice, the township may cause the solid

¹⁰ Editor's Note: See 35 P.S. § 6018.101 et seq.

¹¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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.

§ 67-23. Applicability of other regulations.

This article 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.