

Chapter 20

Solid Waste

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

This Part shall be known as the “Old Lycoming Township Municipal Solid Waste Ordinance.”

(*Ord. 234, 12/9/2008, Art. I, §1*)

B. Definitions**§20-111. Definitions.**

Commonwealth - Commonwealth of Pennsylvania and the governing body and its officials thereof.

Compost - a process of controlled biological decomposition of organic materials, producing a stable, aerobic humus-like product.

County - Lycoming County, Pennsylvania.

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the solid waste or a constituent of solid 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, incinerator, resource recovery facility, or premises to be used for the ultimate disposal of municipal waste.

Institutional establishment - any establishment engaged in services 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 operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste as defined in the Pennsylvania Solid Waste Management Act of 1980, 35 P.S. §6018.101 *et seq.*, from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

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.

Processing - any technology used for the purpose of reducing the volume of municipal waste or any technology used for the purpose of reducing the volume 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 stations, composting facilities, and resource recovery facilities.

Refuse - all materials which are discarded as useless.

Residual waste - any garbage, refuse, other discarded material of other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge resulting from industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined on the Coal Refuse Disposal Act, 52 P.S. §30.51 *et seq.* "Residual waste" shall not include treatment sludge 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, 35 P.S. §691.1 *et seq.*

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

Solid waste removal - the off-site removal of any municipal waste at any time after generation.

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

Township - Old Lycoming Township, Lycoming County, Pennsylvania, and the Board of Supervisors and its officials thereof.

(*Ord. 234, 12/9/2008, Art. II*)

C. Dumping

§20-121. Unlawful to Deposit on Ground.

It shall be unlawful for any person to store, dispose, 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 this Township, except in proper containers for purposed of storage or collection, and except where the waste is of such size or shape as not to permit it being placed in such containers. This Section is not intended to prohibit the use of a properly maintained compost pile.

(*Ord. 234, 12/9/2008, Art. III, §1*)

§20-122. Unlawful to Deposit in Water.

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 Old Lycoming Township.

(*Ord. 234, 12/9/2008, Art. III, §2*)

§20-123. Unlawful to Deposit at Unauthorized Facilities.

It shall be unlawful for this Township's residents and haulers to deposit waste for final disposition at facilities other than those specified in the approved County solid waste management plan.

(*Ord. 234, 12/9/2008, Art. III, §3*)

§20-124. Irregular and Unscheduled Hauling.

Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling solid waste for profit, from hauling such solid waste on an irregular and unscheduled basis, so long as such hauling and disposal is in accordance with the ordinances of this Township and is permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

(*Ord. 234, 12/9/2008, Art. III, §4*)

§20-125. Agricultural Activities Exempted.

Nothing contained in this Part shall prohibit authorized agricultural activities or such gardening operation, including composting and spreading manure or other farm-produced agricultural wastes.

(*Ord. 234, 12/9/2008, Art. III, §5*)

D. Authorization and Cooperation of Collectors**§20-131. Owner to Contract with Licensed Hauler.**

Every owner in Old Lycoming Township shall contract with an individual, entity or firm, which is a licensed hauler by the Commonwealth of Pennsylvania, to have all the municipal waste generated on the premises of any occupants of the premises removed and deposited in a permitted landfill on a bi-weekly basis or more often.

(*Ord. 234, 12/9/2008, Art. IV, §1; as amended by Ord. 245, 4/13/2010*)

§20-132. Licensing Entity.

The Commonwealth of Pennsylvania is the entity that licenses haulers within Old Lycoming Township.

(*Ord. 234, 12/9/2008, Art. IV, §2*)

§20-133. Owner to Provide Proof of Current Contract upon Request.

Whenever requested by Old Lycoming Township, the owner of any real estate shall present adequate proof, in the discretion of the Township, that the owner of the real estate has a current contract, with a licensed hauler, to dispose of municipal waste generated on the premises on a bi-weekly basis or more. Said proof shall be provided within 72 hours of the request of the Township.

(*Ord. 234, 12/9/2008, Art. IV, §3; as amended by Ord. 245, 4/13/2010*)

E. Preparations and Storage of Solid Waste**§20-141. Proper Storage.**

The storage of all solid 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, or public nuisance.

(Ord. 234, 12/9/2008, Art. V, §1)

§20-142. Proper Containers.

Any person accumulating or storing solid waste on private or public property in Old Lycoming Township for any purpose whatsoever (including waste being stored temporarily for ultimate disposal in a bulk container, as well as waste being stored for door-to-door collection) shall place the same or cause the same to be placed in closed or covered containers in accordance with the Old Lycoming Township property maintenance code.

(Ord. 234, 12/9/2008, Art. V, §2)

§20-143. Storage of Hazardous Waste.

Solid waste of a highly flammable or explosive nature, or highly infectious or contagious wastes shall not be stored for ordinary collection, but shall be disposed of in accordance with the regulations of the Commonwealth of Pennsylvania, Department of Environmental Resources.

(Ord. 234, 12/9/2008, Art. V, §3)

F. Collection and Collection Charges**§20-151. Collection Intervals.**

Solid waste to be collected by a licensed hauler shall be prepared for and collected, at least, once bi-weekly.

(*Ord. 234, 12/9/2008, Art. VI, §1; as amended by Ord. 245, 4/13/2010*)

§20-152. Disposal Intervals.

Any person or commercial establishment authorized to dispose of their own waste shall provide for collection at intervals short enough to prevent accumulations of waste that may be unsafe, unsightly, or potentially harmful to the public health, and must be no less than a minimum of bi-weekly.

(*Ord. 234, 12/9/2008, Art. VI, §2; as amended by Ord. 245, 4/13/2010*)

§20-153. Agreements for Collection.

All agreements for collection, transportation and disposition of solid waste collected on a door-to-door basis shall be by private contract between the person and the collector.

(*Ord. 234, 12/9/2008, Art. VI, §3*)

G. Transportation of Solid Waste.**§20-161. Spillage from Vehicles.**

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

(Ord. 234, 12/9/2008, Art. VII, §1)

H. Disposal of Solid Waste**§20-171. Unlawful to Dispose at Unauthorized Facility.**

It shall be unlawful for a licensed or authorized collector in Old Lycoming Township to dispose of solid waste collected within the Township to a place other than the facilities designed in the County Solid Waste Management Plan, as approved by the Pennsylvania Department of Environmental Resources.

(*Ord. 234, 12/9/2008, Art. VIII, §1*)

§20-172. Recyclable Waste.

The disposal of recyclable waste shall be regulated through the Old Lycoming Township Recycling Ordinances 147 and 172,¹ or any successor ordinances thereof.

(*Ord. 234, 12/9/2008, Art. VIII, §2*)

¹Editor's Note: *Ord. 147, 5/8/1990, and Ord. 172, 12/14/1993, have been consolidated and replaced by Ord. 147-2008, 12/9/2008, Chapter 20, Part 2, "Recycling."*

I. Penalties and Remedies**§20-181. Penalty.**

Any person violating any of the provisions of this Part, shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, together with the costs of prosecution or undergo imprisonment of not more than 30 days. Every violator of the provisions of this Part 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 separate offense.

(Ord. 234, 12/9/2008, Art. IX, §1)

§20-182. Township May Remove Garbage; Collection of Costs.

In addition to the foregoing penalty, Old Lycoming Township may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove the same within 10 days after written notice, the Township may cause the same to be done and collect the costs thereof.

(Ord. 234, 12/9/2008, Art. IX, §2)

Part 2**Recycling****§20-201. Title.**

The short title of this Part shall be “Old Lycoming Township Recycling Ordinance,” and the same may be cited in that manner.

(*Ord. 147-2008, 12/9/2008, §I*)

§20-202. Definitions.

Aluminum cans - empty all-aluminum beverages and food containers.

Applicant - a person or entity desirous of being authorized as a collector of source-separated recycled materials.

Bi-metallic containers - empty food or beverage containers consisting of steel and aluminum.

Bin - a large container for a specific recyclable item to be stored in until collected.

Commercial establishment - those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

Community activities - church, school, civic, service group, municipal functions and all other such functions.

Corrugated paper - structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Ferrous containers - empty steel or tin-coated steel food or beverage containers.

Glass containers - bottles and jars made of clear, green or brown glass.

High-grade office paper - all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

Institutional establishment - those facilities that house or serve groups of people such as hospitals, schools, day care centers, and nursing homes.

Lead acid batteries - include, but shall not be limited to, automotive, truck and industrial batteries that contain lead.

Leaf waste - leaves from trees.

Licensed collector - a person authorized to collect source separated recyclable materials in Old Lycoming Township.

Magazines and periodicals - printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

Multi-family housing properties - four or more dwelling units per structure.

Municipal establishments - public facilities operated by Old Lycoming Township and other governmental authorities.

Municipal recycling program - a source separation and collection program for recycling municipal waste or source-separated recyclable materials or a program for

designated drop-off points or collection centers for recycling municipal waste or source-separated recyclable materials, which are operated by or on behalf of a municipality. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of a municipality. The term shall not include any program for recycling construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Municipality - Old Lycoming Township, Lycoming County, Pennsylvania.

Newspapers - paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.

High-grade office paper - computer paper and white paper generated in offices and homes.

Person(s) - owners, lessees and occupants of residences, commercial or institutional establishments.

Plastic containers - empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be regulated. Currently #1 and #2 plastics are recyclable.

Recycling - the collection, separation, recovery and sale of reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Residential dwellings - any occupied single or multi-family dwelling having up to and including three dwelling units per structure.

Source-separated recyclable materials - those materials separated at the point of origin for the purpose of being recycled including those materials listed in Act 101 and by the Township to be recycled.

Waste - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials.

(Ord. 147-2008, 12/9/2008, §II)

§20-203. Recycling.

1. *Establishment of a Municipal Recycling Program for Residential Dwellings.* There is hereby established a municipal recycling program for the mandatory separation of recyclable materials from solid waste by persons residing in residential dwellings having between one and three dwelling units per structure.

2. *Separation of Recyclables and Placement for Disposal.* Recyclable materials from residential dwellings shall be placed at the curb or a designated place separate from solid waste for collection or taken to drop off sites at such times, dates and places and manner as may be established by the Township. Materials to be recycled are: aluminum cans, bi-metal containers, brown, green and clear glass, magazines and newspaper, plastic and other materials that may be designated by law as recyclable.

3. *Separation of Recyclables by Commercial, Municipal and Institutional*

Establishments and at Community Activities.

A. Commercial, municipal and institutional establishments shall separate and store, until collection, high-grade office paper, corrugated paper, aluminum beverage containers, leaf waste and other materials deemed appropriate according to law. These establishments must arrange for the collection of recyclables by a licensed recycler at least once a month. The licensed recycling collector shall annually provide to Old Lycoming Township evidence of such arrangement and documentation of the total number of tons recycled by providing invoices of all materials collected from the establishments that were marketed.

B. At all community activities, recyclable materials designated by the Township must be separated for collection. Sponsoring organizations must arrange for the transfer of the materials to a recycling market.

4. *Separation of Recyclables by Multi-family Housing, Housing Properties and Placement for Disposal.* The governing body of a municipality shall allow an owner, landlord or agent of an owner or landlord of multi-family rental housing properties with four or more units to comply with its responsibilities under this subsection by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Part shall not be liable for the noncompliance of occupants of their buildings. These landlords or owners must arrange for the collection of recyclables by a licensed recycler at least once a month. The licensed recycling collector shall annually provide to Old Lycoming Township evidence of such arrangement and documentation of the total number of tons recycled by providing invoices of materials collected from the establishments that were marketed.

(Ord. 147-2008, 12/9/2008, §III)

§20-204. Lead Acid Batteries.

No person may 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 of recycling facility authorized under the laws of the Commonwealth.

(Ord. 147-2008, 12/9/2008, §IV)

§20-205. Separation and Disposal of Yard Waste/Leaves and Christmas Trees.

1. *Yard Waste/Leaves.* All persons who reside in residential dwellings and all persons who are responsible for administration of multi-family housing properties, commercial, municipal and institutional establishments who gather yard waste/leaves shall source separate all leaves from other waste and place them for collection at the times and in the manner prescribed by the Township. Yard waste/leaves are not to be incorporated into the regular waste stream. Nothing herein shall require any person to gather yard waste/leaves or prevent any person from utilizing yard waste/leaves for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or

landscape purposes. The Township shall collect leaves, curbside, in the fall and other yard waste in the spring. [Ord. 245]

2. *Christmas Trees.* Once a year the Township will provide curbside collection of Christmas trees.

3. *Notice.* The Township shall provide notice to its residents as to the dates for the curbside collection referenced in subsections .1 and .2 above.

4. *Mulch/Recycling Area.* The Township has provided an area located at 1250 Princeton Avenue, also known as the Township Farm, to be designated as a drop-off site for owners, lessees and occupants of residences, commercial or institutional establishments, located within the Township, to dispose of yard waste. Such yard waste consists of recycling items as follows: trees and trimmings, brush and shrubs, and garden plantings. These items are customarily recycled into mulch for use by Township residents. Hours of operation will be designated on the mulch/recycling area sign. All items other than yard waste listed above are prohibited, including construction debris and ashes. [Ord. 245]

5. *Landscaper/Tree Surgeon Registration.* The Township will allow landscape businesses and tree trimming businesses to drop off yard waste, when such business is located within Old Lycoming Township or doing business in Old Lycoming Township. However, such businesses must register with the Township annually and pay the appropriate registration fees. The Township may set and/or change registration fees by way of resolution. [Ord. 245]

(Ord. 147-2008, 12/9/2008, §V; as amended by Ord. 245, 4/13/2010)

§20-206. Collection of Recyclable Materials by Unauthorized Persons.

1. Ownership of any recyclable materials is retained by the owners, lessees and occupants of residences, commercial or institutional establishments until the materials are placed at curbside or a similar location for collection.

2. Thereafter, once the materials are placed at curbside, they become the property of the Township or its contract collector.

3. It shall be a violation of this Part for any persons unauthorized by the Township to collect or pick up or cause to be picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

4. Nothing herein shall prohibit an individual from taking his/her source separated recyclable materials directly to a designated drop off site or to market in accordance with this Part.

(Ord. 147-2008, 12/9/2008, §VI)

§20-207. Delivery of Recyclable Materials to Landfills or Incinerators.

1. All recyclable materials must be delivered by an authorized collector to recycling markets.

2. It shall be a violation of this Part for the collection of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal. All authorized collectors shall provide to the Township the weight receipts of the recyclable materials, collected and marketed.

(*Ord. 147-2008, 12/9/2008, §VII*)

§20-208. Franchise or License.

Old Lycoming Township may enter into agreement(s) or contracts with public or private agencies or firms to authorize them to collect all or part of the recyclable material from curbside or from drop-off collection points. The Township shall authorize, by issuance of a business license, such hauler(s) to collect and market source-separated recyclable materials from multi-family dwellings, commercial and institutional establishments within the Township. 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 or entities that can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provision and intent of this Part and the rules and regulations established by Old Lycoming Township.

B. At the time of application submission, the applicant shall indicate that he has the appropriate type of closed or covered truck with which to collect source separated recyclable materials and shall provide evidence that he carries sufficient liability insurance on the vehicle.

C. Licenses shall be issued on a fiscal year basis, but may be revoked at any time by the Township for just cause in accordance with the rules and regulations of the Department of Environmental Resources.

D. Fees for such licenses shall be paid by the applicant to Old Lycoming Township. Said fees shall be on the basis of cost and covered in the rules and regulations of Old Lycoming Township.

(*Ord. 147-2008, 12/9/2008, §VIII*)

§20-209. Violation and Penalty.

1. Any action by any person, firm, corporation, or other entity which violates this Part or any regulations thereof shall be punishable by a fine not to exceed \$60, or undergo imprisonment for no more than 90 days or both. Each day of continued violation shall constitute a separate offense.

2. The Township may remove the improperly deposited items. The cost of such removal shall be a lien against the property. Said lien shall include attorney fees, interest and the like.

(*Ord. 147-2008, 12/9/2008, §IX*)

