

MUNICIPAL WASTE STORAGE, COLLECTION  
AND TRANSPORTATION ORDINANCE

MONONGAHELA TOWNSHIP

GREENE COUNTY, PENNSYLVANIA

**COPY**

AN ORDINANCE OF THE TOWNSHIP OF MONONGAHELA, GREENE COUNTY, PENNSYLVANIA, PROHIBITING CERTAIN ACTIVITIES RELATING TO MUNICIPAL WASTE, REGULATING THE STORAGE, COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, The Board of County Commissioners have adopted an approved Municipal Waste Management Plan for Greene County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan has been duly ratified by the municipalities of Greene County; and

WHEREAS, pursuant to the authority vested to the Municipality by the Pennsylvania Solid Waste Management of 1980 (Act 97) and Act 101, the Municipality desires to enact an Ordinance to regulate the storage, collection, and disposal of Municipal Waste within the municipality in order to implement such Plan.

NOW, THEREFORE, the Township of Monongahela, Greene County, Pennsylvania hereby enacts and ordains as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and referred to as the "Municipal Waste Storage, Collection, and Transportation Ordinance".

SECTION II: DEFINITIONS

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

Act 97 - The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

Act 101 - The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).

**Bulky Waste** - Large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to size, shape or weight.

**Commercial Establishment** - Any establishment engaged in non-manufacturing or non processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

**Container** - A portable device in which waste is held temporarily for storage or transportation.

**County** - The County of Greene or the Greene County Board of County Commissioners and or its authorized agent.

**Department or DER** - The Pennsylvania Department of Environmental Resources (DER).

**Dwelling** - Any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more person. The term dwelling should not be deemed to include rooming houses, tourist house, hotel, motel, hospital or nursing home.

**Dwelling Units** - One or more rooms, including a kitchen (or kitchenette) and sanitary facilities as a structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

**Disposal** - The deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that 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.

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

**Institutional Establishment** - Any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools, universities and churches.

**License Municipal Waste Collector or Hauler** - Any municipal waste collector or hauler possessing a current, valid county license issued by the County and or its Authorized Agent pursuant to County Licensing and Waste Flow Ordinance.

**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 under Act 97 from a municipal, commercial or institutional waste supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

**Municipal Waste Collector or Hauler** - Any person, firm, partnership, corporation of public agency who is engaged in the collection and/or transportation of municipal waste.

**Municipality** - Shall mean the Township of Monongahela, Greene County, Pennsylvania or its authorized agent.

**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 Ordinance prescribing a fine the perm person shall include the officers and directors of any corporation or any 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 not limited to, transfer facilities, composting facilities and resource recovery facilities.

**Rubbish** - All non-putrescible 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.

**Salvaging** - The controlled removal or recycling of material from a solid waste processing or disposal facility.

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

**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 one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the

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

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

### SECTION III: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to store upon any public or private property within the Municipality, any municipal waste except in accordance with the provisions of this ordinance and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
2. It shall be unlawful for any person to burn any municipal waste within the Municipality except in accordance with the provisions of this Ordinance and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
3. It shall be unlawful for any person to process and/or dispose of any municipal waste in the Municipality except in accordance with the provisions of this Ordinance and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
4. It shall be unlawful for any person to collect and and transport any waste from public or private property within the Municipality without first securing a license to do so in accordance with the provisions of the County Licensing and Waste Flow Ordinance.
5. It shall be unlawful for any person to scavenge any materials from any waste that is stored or deposited for collection within the Municipality without prior approval by the Municipality.
6. It shall be unlawful for any person to salvage or reclaim any municipal waste within the Municipality except at an approved and permitted resource recovery facility under any Department rules and regulations adopted pursuant to Act 97 and Act 101.
7. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any municipal waste in or upon any street, alley, sidewalk, body of water, public or private property within the Municipality except as provided for in this Ordinance.

### SECTION IV: STANDARDS AND REGULATIONS FOR STORAGE OF MUNICIPAL WASTE

1. The storage of all municipal waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
2. Any person producing municipal waste shall provide a sufficient number of approved containers to store said municipal waste during periods between regularly scheduled collections.

3. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter A Regulations for the Storage of Municipal Waste.

SECTION V: STANDARDS AND REGULATIONS FOR COLLECTION AND TRANSPORTATION  
OF MUNICIPAL WASTE

1. The Municipality and/or its authorized agent shall provide for the collection, transportation and disposal of municipal waste from dwellings with less than four dwelling units within the municipality. The municipality and/or its authorized agent shall contract with a licensed municipal waste collector or hauler to provide for said collections, transportation and disposal. All dwellings with less than four dwelling units within the Municipality shall utilize the services of a licensed municipal waste collector or hauler who has entered into a contract with the Municipality and/or its authorized agent for collecting, transporting and disposing of their municipal waste unless alternative arrangements have been made consistent with this ordinance and approved by the municipality and/or its authorized agent.
2. All dwellings with four or more dwelling units, institutional, commercial, and industrial establishments shall utilize the services of a licensed municipal waste collector or hauler.
3. All license municipal waste collectors and haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter B Regulations for Collection and Transportation of Municipal Waste.
4. All municipal waste collected within the municipality shall only be conveyed or transported to a transfer station, processing facility, and/or disposal site permitted by the Department of Environmental Resources and/or other regulatory agencies and approved pursuant the Greene County Licensing and Waste Flow Ordinance.
5. Residential municipal waste shall be collected at least once a week. Bulky wastes shall be collected by a licensed municipal waste collector or hauler. Residential collection schedules shall be published regularly by the Municipality and/or its contracted hauler.
6. All commercial, institutional, and industrial establishments shall be collected at least once a week. Collection service shall be with such sufficient frequency to prevent a nuisance or hazard to public health, safety or welfare. The municipality and/or its authorized agent reserves the right to require more frequent collection when deemed necessary.

SECTION VI: COLLECTION, TRANSPORTATION AND DISPOSAL CHARGES

1. The municipality and/or its authorized agent shall be authorized to make funds available, in accordance with the rules and regulations of the municipality, and/or its authorized agent for the establishment, maintenance, and operation of a municipal waste collection, transportation and disposal system; or for the contracting of such service to a licensed municipal waste collector or hauler.
2. The collection, transportation and disposal of municipal waste shall be done in accordance with the procedures established by the municipality and/or its authorized agent as rules and regulations as the same may be from time to time published and, amended copies of which upon adoption shall be maintained on file with the township or its authorized agent.
3. The municipality and/or its authorized agent shall contract with a licensed municipal waste collection or hauler to collect, transport, and dispose of municipal waste from dwelling with less than four dwelling units within the municipality. Said contracted licensed municipal waste collector or hauler shall be responsible to collect, transport and dispose of municipal waste within the municipality.
4. Municipal waste collection charges will be charged for each dwelling unit in dwellings with less than four dwelling units. The Municipality and/or its authorized agent shall be responsible for the collection of said charges.
5. Municipal waste collection, transportation and disposal charges will not be charged for dwelling with four or more dwelling units, commercial, institutional and industrial establishments. Said charges shall be negotiated between the establishments and a licensed municipal waste collector or hauler. The licensed municipal waste collector or hauler shall be responsible for the collection of the said charges.

SECTION VII: LICENSING REQUIREMENTS

1. No person shall collect, remove, haul or transport any municipal waste upon or through any streets or alleys of the municipality without first obtaining a license from the County or its authorized agent.

SECTION VIII: RULES AND REGULATIONS IMPLEMENTATION AND PROVISIONS OF THIS ORDINANCE

In order to carry forth the power and duty to implement the Municipal Waste Management Plan and the provisions of this Ordinance, the municipalities and/or its Authorized Agent should have the power in its sole discretion to adopt and enforce rules and regulations to complement the Municipal Waste Management Plan and the Provisions of this Ordinance.

SECTION IX: INJUNCTION POWERS

The Municipality and/or its Authorized Agent may petition the Court of Common Pleas, Greene county, for an injunction, either mandatory or prohibitive to enforce any of the provisions of this Ordinance.

SECTION X: PENALTIES

Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than Five Hundred Dollars (\$500.00), or in default of payment of such fine, then by imprisonment for a period of not more than thirty (30) days, or both. Each day of violation shall be considered a separate and distinct offense.

SECTION XI: SEPARABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

SECTION XII: CONFLICT

Any Ordinance or any part of any Ordinance which conflicts with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION XIII: EFFECTIVE DATE

This Ordinance shall take effect on January 1, 1993.

ENACTED AND ORDAINED into an Ordinance this 16<sup>th</sup> day of MARCH, 1992.

Township of Monongahela

BY: *Raymond Logan*

ATTEST:

*Kenneth B. Tanner, Sec.*

(SEAL)

**COPY**