ORDINANCE NO. 1983-6

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE MUNICIPALITY BY REGULATING THE COLLECTION, STORAGE, TRANSPORTATION, PROCESSING, AND DISPOSAL OF MUNICIPAL WASTE, PROVIDING FOR THE LICENSING OF WASTE COLLECTORS, THE SEPARATION AND COLLECTION OF RECYCLABLES, CHARGES AND PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Township of Morris, Clearfield County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I
TITLE

SECTION 1. This Ordinance shall be known as the Municipal Waste Management Ordinance.

ARTICLE II
DEFINITIONS

SECTION 1. The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

APPLICANT means a person desirous of being licensed as a "Collector".

COLLECTOR means a person licensed by the municipality to collect, transport, and dispose of municipal waste.

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

GLASS CONTAINERS are all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding, however, blue and flat glass and glass commonly known as window glass.

DISPOSAL AREA means any site, location, area, building , structure, transfer station, or premises to be used for municipal waste disposal.

GARBAGE refers to all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

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

MUNICIPALITY shall mean Township of Morris, Clearfield County, Pennsylvania.

MUNICIPAL WASTE means 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, except farm produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

NEWSPAPER is the term used herein and deemed to include paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals as well as all other paper products of any nature are not considered newspaper.

PERSON means 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 means 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, and resource recovery facilities.

RECYCLABLES means material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bi-metal cans, glass containers, corrugated paper (cardboard and paper bags), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated.

REFUSE means garbage, rubbish, and trade waste.

STORAGE means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.

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

ARTICLE III

DUMPING

SECTION 1. It shall be unlawful for any person to store, 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 municipality, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers.

SECTION 2. 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 this municipality.

SECTION 3. Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling municipal waste from hauling such municipal waste on an irregular and unscheduled basis, to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

SECTION 4. Nothing contained in this Ordinance 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.

ARTICLE IV

AUTHORIZATION OF COLLECTORS

SECTION 1. It shall be unlawful for any person, other than such persons as are duly authorized by the municipality to collect and transport municipal waste of any nature within or from the municipality. Authorization shall be given only as set forth below.

SECTION 2. Authorization to collect, transport, and dispose of municipal waste for persons other than oneself may be given only by the municipality through the issuance of a license. All applications for licensing shall be reviewed by the following criteria:

A. 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 Ordinance. The municipality reserves the right to disapprove any application for license.

B. Applicants for a Municipal Waste Collection License must furnish the following information:

1. The number of vehicles, the make, model, license plate number and size of the vehicle to be used for collection and hauling.
2. The location, address, hours of business, and telephone number of the business office to receive calls from persons in the municipality who receive collection service.
3. A certificate of the applicant's Workmen's Compensation Insurance as required by law.
4. A certificate of insurance coverage providing complete third party comprehensive, bodily injury and property damage, liability insurance, the limits which shall not be less than $100,000/$300,000 for bodily injury and $50,000 for property damage.
5. In addition to the above, the applicant for a Municipal Waste Collection license shall furnish all other information which the municipality may request and deem necessary prior to the issuance of a license.

C. Licenses shall be issued on a calendar year basis, but may be revoked at anytime by the municipalities in accordance with the following:

1. Failure of the Licensee to furnish and provide and dispose of refuse in accordance with the terms of this Ordinance and the conditions under which the license was issued.
2. Failure of Licensee to furnish and provide collection and disposal without creating a public nuisance or a health and safety hazard.
3. A written notice to the Licensee at least sixty (60) days prior to the date that such license is to be revoked as a result of the municipality's desire to have refuse collection and disposal performed under the terms of a contract or other methods so determined by the

municipality for any reason deemed necessary and in the best interests of the municipality.

D. Conditions relating to Municipal Waste Collection licenses:

1. Annual Fee. The annual fee to be paid for a Solid Waste License shall be $25.00 for each vehicle used in the collection and hauling of municipal waste. The license fee shall not be devisable or prorated. The fees shall be submitted with the application for such license. Payment shall be made by check only and made payable to the municipality.
2. Number of Vehicles. Persons receiving a Municipal Waste Collection License shall not use more vehicles for the collection and hauling of municipal waste within the municipality than the number of vehicles listed on the application and approved on the license issued. Any change in the listed vehicles as reported in the application must be reported to the municipality at least five (5) days prior to the date such increased number of vehicles are to be used and the appropriate fee therefore paid to the municipality as provided for herein.
3. Signs.
   a. Licensees shall have the license number permanently displayed on the body of each vehicle in letters no less than two(2") inches in height, clearly legible, and in the following manner: Municipal Waste Collection No. _____. License number shall be so marked on the vehicles within ten (10) days after such license is issued and the vehicles used in the municipality.
   b. Licensee shall permanently display on the doors or each side of the body of each vehicle the name of the firm and the telephone number of the firm's office or headquarters. The size of such lettering shall be no less than six (6") inches in height and clearly legible. Vehicles shall be so marked within ten (10) days after such licenses are issued and the vehicles used in the municipality.
4. The Licensee shall be responsible to maintain each vehicle used to perform work in the municipality in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean and painted so as to present a favorable appearance. The municipality shall have the right to inspect all vehicles prior to the issuance of a license and during the period the license is in effect.
5. Licensees shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of refuse under the terms of this Ordinance.
6. Licensee shall be given notice in writing from the municipality at least thirty (30) days prior to the date that the licensees are to make use of disposal facilities designated by the municipality other than those used by the licensees at the time a license was issued.

7. The municipality shall inform the licensees of the location and other information pertaining to the disposal facilities designated by the municipality to be used by licensees for the disposal of refuse collected within the municipality.
8. The licensee shall pay all costs to be charged for the use of the disposal system and facilities.
9. The disposal system and facility designated by the municipality is determined by the municipality to be in the best interest of the municipality.

ARTICLE V

PREPARATION AND STORAGE OF MUNICIPAL WASTE

SECTION 1. The storage of all municipal 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, unsightliness or public nuisance.

SECTION 2. Any person accumulating or storing garbage on private or public property in the municipality for any purpose whatsoever (including waste being stored temporarily for door-to-door collection), shall place the same or cause the same to be placed in sanitary closed or covered containers in accordance with the following standards:

A. Containers used for the storage of municipal waste shall be: of metal, plastic or fiberglass construction; rust and corrosion resistant; equipped with lids; waterproof and leakproof; and except in the case of bulk containers, shall not exceed twenty (20) gallons in capacity. Plastic trash bags, if not punctured, may be used to store municipal waste.

B. A sufficient number of containers shall be provided to contain all municipal waste materials that are required to be placed in containers generated during periods between regularly scheduled collections.

SECTION 3. Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:

A. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers previously described, and all ashes shall be free of any burning material before being deposited for collection. Placement of plastic bags, if not punctured, is acceptable.

B. Tree, brush, hedge, and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six (6) feet, and shall be bound securely in bundles not to exceed forty (40) pounds in weight before being deposited for collection.

C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six (6) feet in length and forty (40) pounds in weight before being deposited for collection.

D. No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.

E. Municipal waste of a highly flammable or explosive nature, or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed in accordance with the directions of the municipality.

ARTICLE VI

DISPOSAL OF MUNICIPAL WASTE

SECTION 1. All municipal waste produced, collected and transported from within the jurisdictional limits of the municipality shall be disposed of at the site determined by the municipality.

SECTION 2. It shall be unlawful for a licensed or authorized collector in the municipality to dispose of municipal waste collected within the municipality at a place other than that designated by the municipality.

SECTION 3. The disposal of bulky wastes; such as, but not limited to, refrigerators, stoves, other appliances, pieces of furniture, auto parts, and other household goods and equipment shall be performed by annual collection and in a manner to be designated by the municipality and advertised in a newspaper of general circulation.

ARTICLE VII

COLLECTION AND COLLECTION CHARGES

SECTION 1. Municipal waste to be collected by the licensed collector shall be prepared for and collected at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly, or potentially harmful to the public health.

SECTION 2. Collection shall be performed in a manner that does not produce blowing litter, liquids leaking from vehicles or any other acts such as to constitute a public nuisance of health and safety hazard.

SECTION 3. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the person and the collector.

ARTICLE VIII

RESOURCE RECOVERY PROGRAM

SECTION 1. The municipality may establish and revise from time to time regulations for the placing of recyclables for collection.

SECTION 2. Recyclables shall not be collected by unauthorized persons.

A. From the time of placement of recyclables at the curb by anyone for collection in accordance with the terms hereof, items shall be and become the property of the party designated by the municipality or its agents. It shall be a violation of this Ordinance for any unauthorized person to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more residences shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE IX

PENALTIES AND REMEDIES

SECTION 1. Any person violating any of the provisions of this Ordinance shall be guilty of a summary offense and shall upon conviction thereof before a District Magistrate of County, be sentenced to pay a fine of not less than One Hundred Dollars ($100.00) and not more than One Thousand Dollars ($1,000.00) together with the costs of prosecution or to undergo imprisonment in the County Jail for a period of not more than thirty (30) days. Every violator of the provisions of this Ordinance 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 such separate offense.

ARTICLE X

SEPARABILITY AND AMENDMENT

SECTION 1. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 2. This Ordinance 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.

SECTION 3. This Ordinance or any part thereof may be amended from time to time in accordance with the procedures established by law.

SECTION 4. This Ordinance shall become effective on the 1st day of November, 1983.

ENACTED AND ORDAINED this 1st day of November, 1983.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MORRIS

By William F. Saggese
Chairman

ATTEST:

Sharlene Yontosh
Secretary

I hereby certify this is a true and correct copy of Morris Township Ordinance No. 1983-6.

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