

Chapter 125, SOLID WASTE

[Adopted 11-18-1996 by Ord. No. 1996-L and Amended 4-18-2011 by Ord. No. 2011-D]

§ 125-1. Definitions.

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section except where the context in which the word is used clearly indicates otherwise:

ALUMINUM CANS- Empty all aluminum beverage and food containers

ASHES - Residue from the burning of wood, coal, coke or other combustible material.

BIMETAL CONTAINERS- Empty food or beverage containers consisting of steel and aluminum

BREEDING AREA - Any condition which provides the necessary environment for the birth or hatching of vectors.

COLLECTOR/HAULER- the Business entity licensed or contracted by the Township to collect, transport and dispose of municipal wastes

COMMERCIAL CUSTOMER - Any customer, whether a commercial establishment, dwelling or dwelling unit, normally requiring more than three thirty-two-gallon containers per week to hold the refuse to be collected, and multifamily dwellings exceeding four units, multiunit business centers exceeding four units, agricultural operations, large commercial institutional or industrial firms are commercial customers and a commercial establishment or containing more than four (4) dwelling units.

COMMERCIAL ACTIVITIES- events sponsored in whole or in part by a municipality or conducted within a municipality and sponsored privately, which includes, but is not limited to fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

COMMERCIAL ESTABLISHMENT - The use of any premises as other than a dwelling or small business establishment, and shall include hotels, boardinghouses and lodging houses, tourist cabins and motels. Commercial establishment shall also include any multifamily residences occupied by more than four families.

CONTAINER - The receptacle in which refuse is placed for collection, including cans, boxes and plastic bags; provided, however, that they are so constructed so as to be fit for permanent use or, in the case of bags, for one-time use.

CORRUGATED PAPER/CARDBOARD- structural paper material with an inner core shaped in ridged parallel furrows and ridges

COUNTY - The County of Adams, Commonwealth of Pennsylvania.

DEBRIS - Waste materials consisting of stones, brick, plaster, broken concrete or earth, in such quantity and size as shall not violate the restriction hereinafter set forth with respect to the size and weight of containers.

DWELLING - A building used for residential purposes, but shall not include hotels, boardinghouses and lodging houses, tourist cabins and motels, which shall be considered commercial establishments. Dwelling shall not include multifamily dwellings exceeding four units.

DWELLING UNIT - One or more rooms in a dwelling, which room or rooms have fixed cooking facilities and are arranged for occupancy by one person, two or more persons living together or one family.

EXTERMINATION - The control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or state authority having such administrative jurisdiction.

FERROUS CONTAINERS- Empty steel or tin-coated steel or beverage containers

GARBAGE - All animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.

GLASS CONTAINERS- 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 materials commonly known as glass, excluding blue and flat glass, and commonly known as window glass, automotive glass and porcelain and ceramic products.

HARBORAGE - Any place where vectors can live, nest or seek shelter.

HIGH-GRADE OFFICE PAPER- All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

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

LEAD ACID BATTERIES- Shall include, but not be limited to, automotive, truck, and industrial batteries containing lead.

LEAF WASTE- Shall mean leaves, tree trimmings, bushes, garden residue and other similar plant materials, but NOT including grass clippings.

MULTI-FAMILY DWELLING/HOUSING PROPERTY- any property having four (4) or more dwelling units per structure.

MUNICIPAL ESTABLISHMENT- Public facilities operated by Conewago Township and other governmental and quasi-governmental authorities.

MUNICIPAL WASTE - Garbage, rubbish, ashes, debris, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous materials resulting from operation of residential, municipal, commercial or institutional establishments or from community activities.

PERSON - Any person, individual, owners, lessees and occupants of a residence, commercial or institutional establishment, firm, partnership, association, corporation, company or organization of any kind, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

RECYCLABLE MATERIALS - Those materials which may be processed or refabricated for reuse and which are specified by the township and the county for separation from the regular municipal waste and separated at the point of origin for the purpose of being recycled, including those materials listed in Act 101. Such materials may include, but not be limited to, aluminum, bimetal or tin containers, clear and colored glass containers, newspapers and plastic beverage containers.

RECYCLING - The collection, separation, recovery and sale or reuse of recyclable materials which would otherwise be disposed or processed as municipal waste.

RESIDENTIAL CUSTOMER - Any customer, whether a commercial establishment, dwelling or dwelling unit, normally requiring three or fewer thirty-two-gallon containers per week to hold the municipal waste to be collected.

RUBBISH - All solid household wastes, except body wastes, other than garbage, ashes, yard waste and debris, such as magazines, glass other than containers, ceramics, plastics other than beverage containers and laundry detergent containers, small scraps of wood, etc.

SMALL BUSINESS ESTABLISHMENT - Includes businesses which are not commercial establishments or commercial customers which generate no more than three loaded containers weighing not more than 75 pounds each nor exceeding a volume of 32 gallons each, and may include churches and municipal offices.

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

TOWNSHIP - The Township of Conewago, Adams County, Pennsylvania, and the Board of Supervisors of Conewago Township.

TOWNSHIP COLLECTOR - That individual, partnership, firm, corporation or business entity designated by the Board of Supervisors by means of an independent contract as the person having the exclusive right to collect refuse within the township, but shall not be construed as meaning that said person is an employee, official or representative of the township.

VECTOR - A rodent, arthropod or insect capable of transmitting a disease or infections. Vectors shall include but not be limited to rats, mosquitoes, cockroaches, flies, ticks, etc.

§ 125-2. Mandatory municipal waste collection.

It shall be mandatory for every dwelling, dwelling unit, small business establishment, commercial establishment and commercial customer within the township to have all their municipal waste collected in accordance with the schedule set forth in § 125-4 of this article. Said collection for dwelling, dwelling units and small business establishments shall be completed by the township collector and the cost of such collection shall be established and paid under the provisions of the contract; provided, however, that the township may exonerate any person from any collection required by this article upon written application and showing hardship arising from the low volume of municipal waste or recyclable materials or other extraordinary factors. (Amended 12.20.1999 by Ord. No. 1999-Q)

§ 125-3. Collection by unauthorized personnel unlawful.

Except as authorized in § 125-4 hereof, it shall be unlawful for any person other than the township collector to collect and haul municipal waste and/or recyclable materials within or from the township, and no person may contract with any hauler of municipal waste and/or recyclable materials unless such hauler is authorized to collect municipal waste within the township pursuant to this article.

§ 125-4. Municipal waste.

- A. All municipal waste, except as provided in Subsections B and C of this section, shall be collected once a week at a time set by the township collector and approved by the township. The maximum quantity of municipal waste allowed for each dwelling and/or dwelling unit for each collection day shall be three containers weighing not more than 75 pounds each nor exceeding a volume of 32 gallons each.
- B. All tree trimmings, hedge clippings and similar yard waste shall be cut in lengths not exceeding three feet and shall be securely tied in bundles not exceeding 40 pounds in weight and kept separate from other municipal waste.
- C. All commercial customers and commercial establishments shall be required to make arrangements directly with the township collector or other hauler for collection of their municipal waste. Such collection shall not be less often than weekly and shall be at intervals short enough to prevent unsafe, unsightly or unsanitary accumulations of municipal waste. Commercial customers and commercial establishments shall be permitted to

place a dumpster or other similar container for the disposal of municipal waste on its premises, provided that such container does not interfere with the flow of traffic around the commercial establishment.

§ 125-5. Maintenance of containers other than bags.

Containers shall be of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection. All containers shall be kept in good and sanitary condition without the accumulation of residue of liquids, solids or a combination of such material on the bottom or sides of the container. Any container that does not conform with this article or that is likely to injure the township collector or his employees or hamper the prompt collection of municipal waste shall be replaced upon notice. Failure to replace said defective container may result in the loss of municipal waste collection until such time as the container is replaced.

§ 125-6. Location of municipal waste for collection.

Containers shall be placed for collection at ground level on the property, not within the cartway of a street or alley and accessible to and not more than 10 feet from the side or curb of the street or alley from which collection is made. No containers shall be placed for collection at the curbside or along a public right-of-way earlier than 5:00 p.m. the evening prior to a scheduled collection date, nor shall any such container be permitted to remain at the curbside or along a public right-of-way for more than 12 hours after such collection.

§ 125-7. Recycling.

A. Establishment of Recycling Program

There is hereby established a program for the mandatory separation of recyclable materials from solid waste by all persons.

1. Separation of Recyclables and placement for collection by persons residing in single-family dwellings or Multi-Family dwellings having less than four (4) dwellings units per structure:
 - a. Recyclable materials at residential dwellings shall be separated from solid waste and stored until collection. Recyclable materials will be placed at the curbside for collection in the same manner and at the same time as other municipal waste, but not less than once a week. Nothing in this ordinance or regulation shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at the curbside or similar location for collection. Materials to be separated for recycling are: newspapers, corrugated paper/cardboard, aluminum, bimetal cans, clear and colored glass containers, plastic PET #1 and HDPE #2 containers and leaf waste.
 - b. The nature, quality and type of material subject to recycling may be modified by the Supervisors of Conewago Township by resolution. Notice of any such change shall be provided to customers before the change is applicable to that customer.
2. Separation of Recyclables by commercial, municipal and institutional establishments, and at community activities:
 - a. Commercial, municipal, and institutional establishments and community activities shall separate and store, until collection, high-grade office paper, corrugated paper, aluminum, leaf waste, and other materials designed by the Township regulations. These establishments must arrange for the separation, collection and marketing of these recyclable materials. The establishments shall annually provide to the Township evidence of such arrangement, and documentation of the total number of tons recycled for each type of recyclable material.
 - b. High grade office paper, corrugated paper/cardboard, aluminum, and other materials designed by the Township regulations must be separated for collection at all community activities. Sponsoring organizations must arrange for the separation, collection and marketing of these materials. The types and amount of materials recycled must be reported to the Township.
 - c. The nature, quality and type of material subject to recycling may be modified by the Supervisors of Conewago Township by resolution. Notice of any such change shall be provided to commercial, municipal and institutional establishments before the change is applicable to that customer.
3. Separation of Recyclables by multi-family dwelling/housing properties and placement for disposal:

- a. The owner, landlord, or an agent of an owner or landlord of multi-family dwelling/housing properties of four (4) or more units shall establish a collection system that includes suitable containers for collecting the recyclables and sorting of the recyclable materials, easily accessible locations for the containers for the recyclable materials, and written instructions to the occupants concerning the use and availability of the collection system specifically detailing the materials to be recycled. Materials to be separated are selected by the Township in the recycling program regulations from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, paper newsprint, corrugated paper/cardboard, plastic and leaf waste. Owners, landlords, and agents of the owners or landlords who comply with Act 101 and the Township ordinance shall not be liable for noncompliance of the occupants of their buildings.
- b. The nature, quality and type of material subject to recycling may be modified by the Supervisors of Conewago Township by resolution. Notice of any such change shall be provided to commercial, municipal and institutional establishments before the change is applicable to that customer.

4. 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 or recycling facility authorized under the laws of the Commonwealth.

5. Separation and composing of Leaf Waste:

All persons are to separate leaf waste from other municipal waste generated in their homes, apartments and other residential establishments as well as persons who are responsible for administration of multi-family dwelling/housing properties, commercial, municipal and institutional establishments until collection for the purposes of composting, unless those persons have otherwise provide for the composting of leaf waste. Leaf waste shall be placed for collection at the times and in the manner therefore or hereafter prescribed by the Township. Nothing herein shall require any persons to gather leaves for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscape purpose.

6. Collection by Unauthorized Person(s):

It shall be a violation of this Ordinance for any person(s), unauthorized by the Township, to collect or pick-up or cause to be collected or picked up any such recyclable material. Each such collection in violation here shall constitute a separate and distinct offense punishable as hereinafter provided.

7. Marketing of Recyclable Materials:

All persons who collect, transport, and/or process recyclables are responsible for ensuring the marketing of these materials. It shall be a violation of this Ordinance for the authorized collector of recyclable materials to deliver such materials to a solid waste landfill, solid waste transfer station or incinerator for the purpose of disposal. The authorized collector will provide to the Township the weights receipts of the recyclable materials.

B. Reporting

1. Every multi-family dwelling/housing property, commercial, municipal, institutional establishment and community activity sponsor shall complete a form to be designated "Recycling Report", to be provided to the Township, which shall indicate where the property's recyclable materials were delivered. Such report shall set forth the name, address of the owner, landlord or agent, the address of the property to which the report pertains, name and address of the Collector or Hauler who regularly services the property, information on the type and amount of each material recycled, along with such other information as may be required by resolution of the Township of Conewago Board of Supervisors.
2. The "Recycling Report" and all weight vouchers/receipts obtained from the facility or facilities to which the recyclable materials were delivered shall be submitted annually to the Township by January 15 for the previous reporting year. For the purpose of submitting such weight vouchers/receipts and

Recycling Report annually to the Township, the Collector or Hauler who removed the recyclable materials from the property shall be the agent for any person occupying a multi-family dwelling/housing unit. Any landlord and any operator of a commercial, municipal and institutional establishment or the sponsor of any community activity shall be responsible for completing and submitting such report to the Township. Each annual "Recycling Report" shall be submitted on or before January 15 for the preceding year. The Recycling Report Year shall run on a calendar year basis, thus: first day of January to the last day of December.

3. Any person required by this Section to complete and submit a "Recycling Report", along with weight vouchers/receipts, and who fails to do so, shall be found in violation of this Ordinance.

§ 125-8. Dumping or storage unlawful.

On and after the passage of this article, it shall be unlawful at any place within the confines of the township to dump or deposit, except for collection, garbage, ashes, rubbish or any other municipal waste of any nature, whether generated inside or outside of the township limits, or to dump or deposit municipal waste in a manner which shall create a harborage. This provision is not intended to prohibit composting or activities normally incident to horticulture and animal husbandry. (Amended 12.20.1999 by Ord. No. 1999-Q)

§ 125-9. Violations and penalties; remedies.

- A. Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township before a District Justice, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. Each period of 10 days during which a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to enforce compliance by filing an action in equity in lieu of a civil action filed before a District Justice. (Amended 12.20.1999 by Ord. No. 1999-Q)
- B. In addition to the foregoing penalty, the township may require the owner or occupier of the property to remove any accumulation of municipal waste or abandoned or junked vehicle, and should said person fail to remove the same within ten days of written notice, the township may cause the same to be done and collect the costs thereof, together with a penalty of 10% of such costs in the manner provided by law for the collection of municipal claims or by action in assumpsit, or may seek relief by bill in equity and may also seek imposition of a fine and expenses set forth above.

§125-10. Severability

In the event any of the provisions of this Ordinance are declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall constitute in full force and effect as though the unconstitutional, unlawful, or unenforceable, unlawful, or unenforceable provision has never been a part hereof.