

UPPER YODER TOWNSHIP
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 233

ORDINANCE AMENDING THE UPPER YODER TOWNSHIP SOLID WASTE ORDINANCE
REGARDING COLLECTION AND DISPOSAL ENFORCEMENT AND ADMINISTRATION

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

FIRST: That Section VI.B. of the Upper Yoder Township Solid Waste Ordinance, being Ordinance No. 224, adopted on August 1, 1991, shall read as follows:

"Section VI. COLLECTION AND DISPOSAL ENFORCEMENT AND ADMINISTRATION.

B.1. The Board of Supervisors shall be empowered to assess annually, by Resolution, fees for the collection and disposal of solid wastes. The fee shall be due and payable by owners of record of the residential units within the Township.

3. In the event a new residential unit is erected within the Township after 60 days from the passage of the Resolution establishing solid waste collection fees, the collection fee shall be paid by the owners of record of the residential unit within 60 days of its occupancy. However, the fee shall be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.

4. In the event a new occupant occupies an existing residential unit after 60 days from the passage of the Resolution establishing solid waste collection fees and the fees remain unpaid, the collection fee shall be paid by the record owners of the residence within 60 days of its occupancy. However, the fee shall not be pro-rated to the number of months remaining in the year for which the annual assessment for solid waste collection was established.

SECOND: All other Sections of the said Upper Yoder Township Solid Waste Ordinance are hereby reaffirmed and reenacted.

ORDAINED AND ENACTED this 18th day of November, 1993.

TOWNSHIP OF UPPER YODER

BY Art J. Amstar
Al Shaffer
Ed Bayashe
Richard E. Ours
Dennis F. Dugan

ATTEST:

Mary Kay Maher
SECRETARY

TOWNSHIP OF UPPER YODER
CAMBRIA COUNTY
PENNSYLVANIA

*see amendment
233*

ORDINANCE NO. 224

AN ORDINANCE OF THE TOWNSHIP OF UPPER YODER, CAMBRIA COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING AND BURNING OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID TOWNSHIP, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, REQUIRING THAT ALL GARBAGE, RUBBISH AND OTHER REFUSE BE CONVEYED TO A TRANSPORTATION, PROCESSING OR DISPOSAL FACILITY DESIGNATED BY THE TOWNSHIP OFFICIALS; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS IN SAID TOWNSHIP; THE ESTABLISHMENT OF FEES AND CHARGES FOR THE COLLECTION OF GARBAGE, RUBBISH AND REFUSE IN SAID TOWNSHIP; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, pursuant to the authority vested in the Township by the Pennsylvania Solid Waste Management Act of 1980 (Act 97), the Township of Upper Yoder is desirous of enacting an Ordinance regulating the storage, collection and disposal of rubbish, refuse and garbage in the Township.

The Board of Supervisors of the Township of Upper Yoder hereby ordains as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known and referred to as the "Solid Waste 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 means The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

Act 101 means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Agricultural Waste means poultry and livestock manure, or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forest, or other agricultural lands.

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

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

Construction Demolition Waste means all municipal and residual waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

Department shall mean the Pennsylvania Department of Environmental Resources.

Disposal means the incineration, disposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of 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 means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage means 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.

Hauler or Private Collector means any person, firm, copartnership, association or corporation who has been licensed by the Township or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.

Hazardous Waste means any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or (2) pose a substantial present or potential hazard to human health or the

environment when improperly treated, stored, transported, disposed of or otherwise managed.

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

Institutional Establishment means those facilities or establishments that house or serve groups of people, including but not limited to hospitals, nursing homes, orphanages, day care centers, schools and universities.

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

Multi-Family Housing Properties means any properties having more than four (4) dwelling units per structure.

Municipal Waste means any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semi-solid 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 in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

Person means any individual, partnership, corporation, association, institution, cooperative enterprise, 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, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Processing means any technology used for the purpose of reducing the volume of 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 are not limited to, transfer facilities, composting facilities and resource recovery facilities.

Recyclable Materials means materials generated by residences and commercial, municipal and institutional establishments which are specified by the Township and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Township or specified in future revisions to Act 101. The recyclable materials

selected by the Township may be revised from time to time as deemed necessary by the Township.

Recycling Regulations means rules and regulations promulgated by the Board of Supervisors or its Secretary or Manager pursuant to this Ordinance.

Refuse means all solid waste materials which are discarded as useless.

Residential Unit means the residence of each separate residential customer, including each apartment in a non-institutional building of four (4) or less apartments.

Residual Waste means any garbage, refuse, other discarded material or other waste including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act". Residual waste shall not include treatment sludges 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".

Rubbish means 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.

Scavenging means the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

Secretary or Manager shall mean the Secretary or Manager of the Township of Upper Yoder.

Sewage Treatment Residues shall mean any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under act 97.

Solid Waste means any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous material.

Source Separated Recyclable Materials shall mean those materials separated at the point of origin for the purpose of being recycled.

Storage means 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 means the Board of Supervisors of the Township of Upper Yoder.

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

Transfer Station means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

Waste means 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 or material approved by the Pennsylvania Department of Environmental Resources for beneficial use.

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

SECTION III. PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except for such limited periods of time as shall be necessary for the collection and disposal of the same in accordance with the provisions of this Ordinance, and any rules and regulations adopted pursuant to Act 97.
2. It shall be unlawful for any person to burn any solid waste within the Township except in accordance with the provisions of this Ordinance and any Department rules and regulations adopted pursuant to Act 97.
3. It shall be unlawful for any person to dispose of any solid waste in the Township except in accordance with the provisions of this Ordinance and any Department rules and regulations adopted pursuant to Act 97.
4. It shall be unlawful for any person to haul, transport, collect or remove any solid waste from public or private property within the Township without first securing a license to do so in accordance with the provisions of this Ordinance.
5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Township of Upper Yoder.
6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Township except at an approved and permitted resource recovery facility under Act 97 and any Township

rules and regulations that may be adopted from time to time.

7. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Township except as provided in this Ordinance.
8. It shall be unlawful for any person to place or deposit lead acid batteries with other municipal or solid wastes.
9. It shall be unlawful for any person to fail to separate recyclable materials as designated by the Township from solid wastes.

SECTION IV. STANDARDS FOR STORAGE OF SOLID WASTE

In accordance with the guidelines set forth in the Township of Upper Yoder Recycling Ordinance:

1. All persons who are residents of the Township shall separate all of those recyclable materials designated by the Township from all other municipal waste produced at their homes, apartments and other residential establishments, shall store such materials for collection, and shall place the same for collection in accordance with the guidelines established hereunder.
2. The storage of all solid 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.
3. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.
4. Any person storing municipal waste for collection shall comply with the following preparation standards:
 - A. All municipal waste shall be drained free of liquids before being placed in storage containers.
 - B. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.
 - C. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
 - D. Garden clippings and tree trimmings shall be placed in

approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than three (3) feet in length, not more than two (2) feet in diameter and not more than forty (40) pounds in weight. No single piece shall be more than three (3) inches in diameter.

E. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than forty (40) pounds in weight.

F. When specified by the Township or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

G. Carpet and/or carpet padding shall be placed in an approved closed container or must be cut in lengths not exceeding four (4) feet and securely tied. No single piece shall be more than forty (40) pounds in weight.

4. All municipal waste shall be stored in containers approved by the Township or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:

A. Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weather-proof, insect-proof, and rodent-proof.

B. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

C. Reusable containers for individual residences shall have a capacity of not less than ten (10) gallons nor more than thirty (30) gallons, and a loaded weight of not more than forty (40) pounds and shall be limited to three (3) such containers per residence.

D. Disposal plastic bags or sacks are acceptable containers provided the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection, and shall have a capacity of not more than thirty (30) gallons and a loaded weight of not more than thirty-five (35) pounds.

E. All containers, either reusable or disposable, shall

also comply with the minimum standards established by the National Sanitation Foundation.

5. Any person storing municipal waste for collection shall comply with the following storage standards:
 - A. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
 - B. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
 - C. Containers shall be used and maintained so as to prevent public nuisances.
 - D. Containers that do not conform to the standard of this Ordinance or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Township or its designated representative.
 - E. Containers shall be placed by the owner or customer at curbside or at a collection point as specified by the Township or its designated representative.
 - F. With the exception of pick-up days when the containers are placed for collection, the containers shall be properly stored on the owner or customer premises at all times.
 - G. Bulk waste items such as furniture, appliances and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards. Doors must be removed from appliances.
6. The storage of all municipal waste from municipal establishments, Commonwealth agencies, local public agencies, multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Ordinance. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the Township.

SECTION V. STANDARDS AND REGULATIONS FOR COLLECTION

1. The Township shall exclusively provide for the collection of garbage, rubbish and refuse from all Township residential units or may contract with a private collector or collectors to provide this exclusive collection service. ✓
2. All residential units, as defined herein, shall utilize the residential collection service provided by the Township and shall pay to the Township fees imposed for the collection of the same. ✓
3. All municipal establishments, Commonwealth agencies, local public agencies and commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the Township's collector or any other properly licensed waste hauler of their choice.
4. All residential unit garbage, rubbish and refuse shall be collected at least once a week.
5. All municipal establishments, Commonwealth agencies, local public agencies, multi-family housing properties, commercial, institutional, public and industrial lunchroom and office waste shall be collected once a week. Collection from said sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The Township reserves the right to require more frequent collection when deemed necessary.
6. Residential unit collection schedules shall be published, as deemed necessary, by the Township or its contracted hauler.
7. Placement of container(s) at curbside shall be no earlier than 5:00 P.M. on the day prior to the designated collection day and must be removed from curbside, to the storage place, no later than 6:00 P.M. on the day of collection.
8. All waste collection activity shall be conducted from Monday through Friday between the hours of 6:00 A.M. and 5:00 P.M. or on Saturdays between the hours of 6:00 A.M. and 5:00 P.M., unless prior approval or any exception has been granted by the Township. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.
9. All haulers under contract with the Township shall comply with the following standards and regulations:
 - A. All municipal waste collected within the Township shall ultimately be disposed only at a landfill cited in the Cambria County Solid Waste Plan, or as the same may be amended.
 - B. Any trucks or other vehicles used for the collection and

transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97.

- C. All collection vehicles conveying municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
- D. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
- E. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

SECTION VI. COLLECTION AND DISPOSAL ENFORCEMENT AND ADMINISTRATION

The Board of Supervisors of Upper Yoder Township is hereby authorized and directed to make reasonable rules and regulations by Resolution for the operation and enforcement of this Ordinance as deemed necessary, including but not limited to:

- A. Establishing solid waste materials to be separated for collection and disposal by residences and multi-family residential properties, municipal establishments, Commonwealth agencies, local public agencies, commercial, institutional, public and industrial establishments.
- B. For the collection of solid wastes:
 - 1. The Board of Supervisors shall be empowered to assess annually, by Resolution, fees for the collection and disposal of solid wastes. The fees shall be due and payable by occupants of the residential units within the Township.
 - 2. Payment of the fees above prescribed shall be made within sixty (60) days from the date of adoption of the Township Resolution establishing the annual solid waste collection fee.
 - 3. In the event a new residential unit is erected within the Township after sixty (60) days from the passage of the Resolution establishing solid waste collection fees, the collection fee shall be paid by the occupants of the residential unit within sixty (60) days of their occupancy. However, the fee shall be

pro-rated to the number of months remaining in the year for which the annual assessment for solid waste collection was established.

4. In the event a new occupant occupies an existing residential unit after sixty (60) days from the passage of the Resolution establishing solid waste collection fees, the collection fee shall be paid by the new occupant of the residential unit within sixty (60) days of their occupancy. However, the fee shall be pro-rated to the number of months remaining in the year for which the annual assessment for solid waste collection was established.
5. The collection fee is not refundable either in whole or in part.
6. Any payment for collection and disposal of solid waste not made within the time required as set forth above shall be delinquent and shall constitute a violation of this Ordinance for which, in addition to the delinquent fee, any person or partnership or corporation or other entity upon conviction thereof in a court of summary jurisdiction shall be punishable by fines as specified in Section VIII hereunder.
7. The Board of Township Supervisors or its Secretary or Manager shall be empowered to collect all fees due for the collection and disposal of solid waste from Township residents.
8. The Board of Supervisors of the Township shall be authorized to make funds available, in accordance with the laws and procedures of the Township, for the establishment, maintenance and operation of a municipal solid waste collection and disposal system; or for the contracting of such service to a private collector.
9. Annual costs shall be made available by the Township for any competitively bid residential collection service contract that may be awarded by the Township. However, before the Township awards the exclusive collection contract, the collector shall secure a performance bond for such amount as the

Supervisors shall set forth in the bidding specifications. Further, the collector shall possess a Certificate of General Public Liability Insurance, proof of Workmen's Compensation coverage for all of its employees, and shall comply with all other stipulations as set forth in the Township bidding specifications.

10. The Township shall be responsible for the payment of any fees for solid waste collection and disposal for residential unit customers as hereinabove defined who are to receive standard contracted service.
11. The Township's contracted hauler and other approved licensed haulers shall be responsible for the collection of any fees for private arrangement or private contract municipal solid waste collection and disposal services provided to any individual, residential, municipal establishments, Commonwealth agencies, local public agencies, commercial, institutional or industrial source within the Township.
12. The Township reserves the right not to collect municipal waste that contains recyclable materials.

SECTION VII. INJUNCTION POWERS

The Township may petition the appropriate court for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

SECTION VIII. VIOLATION AND PENALTY

Any person, partnership, corporation or other entity who violates or fails to comply with all provisions of this Ordinance or any rules or regulations promulgated pursuant thereto shall, upon conviction thereof in a Court of summary jurisdiction, be punishable by fines of not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each such violation, plus costs of prosecution. Each violation for each separate day and each violation of any provision of this Ordinance or any rules or regulations promulgated herein shall constitute a separate offense.

SECTION IX. SEVERABILITY

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 this Ordinance shall not be invalidated by such action.

SECTION X. CONFLICT

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

SECTION XI. EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this 15th day of August, 1991.

UPPER YODER TOWNSHIP

Ray M. Miller
Don. L. Bass
Art J. Christ

ATTEST:

Mary Kay Maker
Secretary