

APPENDIX A

Cascade Township

Municipal Waste Ordinance #12

An Ordinance providing for the health, safety, and welfare of the residents of the Township by regulating the collection, storage, transportation, processing, and disposal of municipal waste and providing for licensing of waste collectors, charges and penalties for violations.

The Township hereby enacts and ordains as follows:

ARTICLE I

TITLE

Section 1. This Ordinance shall be known as the Cascade Township Municipal Waste 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 Township 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.

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

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

"Junked or Abandoned Vehicle" is a motor vehicle not bearing a currently valid motor vehicle registration, and which is not capable of operation without mechanical repair, adjustment or replacement of a part or parts.

"Management" means 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" means any garbage, refuse, industrial lunchroom or office waste and 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, 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.

"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.

"Refuse" means all materials which are discarded as useless.

"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" shall mean Cascade Township, Lycoming County, Pennsylvania.

"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 Township, 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 Township.

Section 3. Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling municipal waste for profit, 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 Township Supervisors, to collect and transport municipal waste of any nature within or from the Township. 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 Township Supervisors through the issuance of a license. All applications for licensing shall be reviewed by the Supervisors and shall be approved in accordance with the following criteria:

- A. 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.
- B. At the time of application submission, the applicant shall indicate that he has the appropriate type of sanitary, closed or covered truck with which to collect municipal wastes.
- C. Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Supervisors for just cause.
- D. Fees for such licenses shall be established by Resolution of the Township Supervisors.

Section 3. The Township Supervisors may authorize other individuals to collect and transport municipal waste in certain instances without a license as required above, but only in the following circumstances:

- A. Where, in the opinion of the Township Supervisors, mandatory utilization of the collection system will cause undue hardship on a commercial or industrial establishment in the Township; or,
- B. Where it is established that the collection system and/or the municipal hauler (s) are unable to adequately serve the collection needs of a commercial or industrial operation because a unique type of waste is generated or because special transporting facilities are required to collect and haul the waste.

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 Township 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.
- B. All containers shall be kept in a sanitary condition and in good repair. Any container that does not conform with this Ordinance or is difficult to handle, or is likely to injure the collector or his employees, or hampers the prompt collection of municipal waste shall be replaced upon notice to the owner of such container.
- C. 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 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.
- 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 Township.

Section 4. Containers for door-to-door collection shall be placed in the following manner to facilitate such collection:

- A. Containers, other than bulk containers, shall be placed, whenever possible, at ground level and at a point on the curb line of the street, or within ten (10) feet of the public street or alley right-of-way from which collection from a vehicle can be made or at such other location as may be approved by the licensed collector. Failure to place containers at such locations may result in an additional charge for collection.

- B. Bulk containers shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector that will enable clear and easy access to the container by the collector's vehicle.

ARTICLE VI

DISPOSAL OF MUNICIPAL WASTE

Section 1. All municipal waste produced, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at a facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

Section 2. It shall be unlawful for a licensed or authorized collector in the Township to dispose of municipal waste collected within the Township at a place other than a facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

ARTICLE VII

TRANSPORTATION OF MUNICIPAL WASTE

Section 1. Any person transporting municipal waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste.

ARTICLE VIII

COLLECTION AND COLLECTION CHARGES

Section 1. Municipal waste to be collected by the licensed hauler shall be prepared for and collected at least once every two weeks, except where conditions beyond the control of the hauler prevent it.

Section 2. Any person or commercial establishment authorized to dispose of their own refuse shall provide for collection at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly, or potentially harmful to the public health.

Section 3. All agreements for collection, transportation and disposition of municipal waste collected on a door-to-door basis shall be by private contract between the person and the collector. The Township Supervisors may however choose to enact a per capita municipal waste tax to ensure proper collection, transportation, and disposal of municipal waste in accordance with the intent of this Ordinance, if the private contract arrangements for payment fail.

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 Lycoming 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) together with the costs of prosecution or to undergo imprisonment in the Lycoming 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.

Section 2. In addition to the foregoing penalty, the Township may require the owner or occupier of a property to remove any accumulation of municipal waste or junked or abandoned motor vehicle, and should said person fail to remove the same within ten (10) days after 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.

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 5 day of JUNE, 1982.

ORDAINED AND ENACTED THIS 5 DAY OF JUNE, 1982.

TOWNSHIP OF CASCADE

BY:

James F. Brown
(Chairman, Board of Supervisors)

Gerald Brion
(Supervisor)

Ralph Murphy
(Supervisor)

ATTEST: Karin L. Colucci
(Secretary)

RESOLUTION # 2

Indicating acceptance, adoption and implementation of an official Solid Waste Management Plan for the Township/Borough of Cascade, Lycoming County, Pennsylvania.

WHEREAS, the Lycoming County Commissioners are required by Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, to provide for the ultimate disposal of all municipal waste generated within the County,
and;

WHEREAS, the Lycoming County Planning Commission has prepared a Solid Waste Management Plan dated June 1984, as supplemented June 1986 which received final plan approval from DER in October 1986 under Act 97, the Pennsylvania Solid Waste Management Act of 1980,
and;

WHEREAS, the Lycoming County Commissioners desire to have said plan "grandfathered" under Section 501(b) of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act.

Now, therefore, be it resolved that the Township/Borough hereby adopt said Official Plan submitted to the DER by the Lycoming County Commissioners on October 26, 1988.

Resolution # 2

Page 2

It is further resolved that this official plan is currently implemented by means of a Solid Waste Management Ordinance previously enacted by this governing body.

Adopted this 1st day of March, 1989, and included in the minutes of a regular meeting of the governing body.

SIGNATURE:

James F. Brown CHAIRMAN
CHAIRMAN

Maurice D. Bieber Jr.

Ralph H. Murphy

ATTEST:

(Seal) Karin L. Colucci
Secretary