

**SOLID WASTE MANAGEMENT ORDINANCE**

**TOWNSHIP OF DINGMAN**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE PROVIDING FOR THE HEALTH AND WELFARE OF THE TOWNSHIP OF DINGMAN, PIKE COUNTY, PENNSYLVANIA, BY REGULATING THE ACCUMULATION, COLLECTION, AND DISPOSAL OF SOLID WASTE, AND THE PENALTIES FOR VIOLATION THEREOF.

WHEREAS, second class townships pursuant to the provisions of the Second Class Township Code (53 PS 65708) have the power to regulate the collection and disposal of solid waste (garbage, trash, refuse, and other debris); and

WHEREAS, Section 304 of the Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (the "Act") provides that all municipalities are responsible for the recycling, collection, transportation, processing, and disposal of municipal solid waste; and

WHEREAS, Section 1501; Waste Planning, Recycling, and Waste Reduction Act of 1988 requires that Dingman Township implement a program requiring the mandatory collection of recyclable materials and yard waste, and

WHEREAS, it is the desire of the Municipality to regulate the collection, transportation, disposal, and recycling of solid waste from residential, commercial, and institutional properties;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by DINGMAN TOWNSHIP of Pike County, Pennsylvania, as follows:

**Section 1. SHORT TITLE:** This ordinance shall be known and may be cited as the Solid Waste Management Ordinance of Dingman Township.

**Section 2. DECLARATION OF POLICY:** It is hereby declared to be the purpose of this ordinance to coordinate and regulate the storage, collection, transportation, processing, recycling, and disposal of all solid waste materials as herein defined in order to protect the public safety, health, and welfare of the people of Dingman Township hereinafter also referred to as the "Municipality".

**Section 3. DEFINITIONS:** For the purpose of this ordinance, the following words and phrases shall have the meaning given herein.

Authorized collector shall mean a person, individual, partnership, or corporation or employer or agent thereof authorized by contract with the Municipality to collect solid waste including items to be recycled from residential, commercial, and institutional properties as herein defined under the terms and conditions of this ordinance. In the event of municipal collection, this definition shall include the governing body and employees thereof.

Board of Supervisors shall mean the Dingman Township Board of Supervisors, the governing body of Dingman Township, Pike County, Pennsylvania.

Bulky waste shall mean large items of refuse including, but not limited to, appliances, large auto parts, furniture, and large trees and branches which require collection in other than conventional compactor refuse collection vehicles.

Collector shall mean the person, firm agency, or public body or employee or agent thereof who is engaged in the collection and/or transportation of solid waste including items to be recycled.

Commercial properties shall mean all properties used for industrial or commercial purposes. The definition shall not include multi-family residential buildings or that portion of a mixed use building that is used for single family residential purposes.

Commingling shall mean the mixing of recyclable materials (e.g. glass and metal) which will later be separated by the recycling facility.

Community Activities shall mean events sponsored in whole or in part by a municipality, or conducted within the municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more individuals per day.

Composting shall mean microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.

Dead animals shall mean those animals, not exceeding 1000 pounds, that die naturally, from disease, or are accidentally killed. Condemned animals or parts of animals from slaughter houses or similar places are not included in this term but are regarded as industrial refuse.

Detachable container or mechanical bin shall mean any container, which may be mechanically lifted and emptied into the collection vehicle.

Farm property shall mean a parcel or parcels of land devoted to agriculture; either to raising crops, livestock, poultry, or pasture.

Garbage (food waste) shall mean animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods. It does not include wastes from industrial processing or manufacturing of food products, bodies of dead animals, or human or animal excrement.

Gated Community shall mean a collection of individual properties created by the process of the subdivision of one or more parent tracts that are primarily serviced by private roads and where the property owners, usually through a property owner's association, jointly pay for the upkeep and servicing of amenities. For purposes of this ordinance, the collection of solid waste shall be considered an amenity. A physical gate is not necessary for a community to be considered a gated community for purposes of this ordinance.

Hazardous waste shall mean solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this Ordinance, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

Private Collector shall mean a collector registered with the Municipality to provide collection services to residential, commercial, or institutional properties on a private contract basis.

Recyclable Materials shall mean those materials specified by the Municipality and those specified by the individual collector for separate collection in accordance with recycling regulations. Such materials may include, but not be limited to, aluminum products, ferrous containers, bi-metal containers, glass containers, newspapers, magazine and periodicals, plastic containers, and yard wastes.

Recycling shall mean the separation, collection, processing, recovery, and sale or reuse of metals, glass, paper, plastics, and other materials, which would otherwise be disposed of as solid waste.

Recycling Facility shall mean a facility legally authorized to accept and/or process recyclable materials. A recycling facility may be in the form of containers or bins in which the community may place recyclable materials for collection and processing elsewhere.

Residential property means properties used as dwellings, including buildings having up to four dwelling units in one building.

Rubbish shall mean solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper, or plastic and non-compostable plant material, wood or non-putrescible solid waste).

Salvage operation shall mean any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to, automobiles, metals, chemicals, shipping containers, or drums.

Scavenging shall mean uncontrolled or unauthorized removal of solid waste materials.

Solid waste shall mean garbage, refuse, and other discarded solid materials, including, but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities and as defined by Pennsylvania Act 97 of 1980, known as the Pennsylvania Solid Waste Management Act regardless of its physical state. It shall include sewage and septage not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. In addition, it shall not include hazardous waste.

Yard waste shall mean leaves, garden residues, shrubbery, tree trimmings and similar material. The term shall not include grass clippings.

**Section 4. RESPONSIBILITY:** The Supervisors shall be responsible for all aspects of solid waste management within the Municipality.

**Section 5. FUNCTIONS AND POWERS OF THE BOARD OF SUPERVISORS:** The Supervisors shall be responsible for the preparation of all necessary plans for solid waste management and shall coordinate these plans with other local, county, state, and federal agencies. These plans shall control the collection, storage, transportation, processing, and disposal of all solid waste materials. In accordance with all the pertinent statues, rules, and regulations of the Commonwealth of Pennsylvania, the Supervisors shall:

5.1 Provide municipal solid waste collection, storage, transportation, and disposal services and/or approve and regulate the establishment, maintenance and operation of private solid waste collection, storage, transportation, and disposal services.

5.2 Aid and assist the Commonwealth in the application and enforcement of rules and regulations pertaining to solid waste management.

5.3 Adopt, issue, and enforce such local rules and regulations pursuant to Section 12 of this Ordinance as are necessary to implement and to carry out the intent of this Ordinance.

5.4 Assist in the review of permits required by the Commonwealth for siting and operation of transfer, processing, and disposal facilities.

5.5 Enforce this ordinance by issuing warning notices and initiating proceedings against violators of this ordinance and its appurtenant rules and regulations.

## **Section 6. DUTY OF OWNERS AND OCCUPIERS OF PROPERTY NOT TO ACCUMULATE SOLID WASTE:**

6.1 No person shall permit any solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Municipality. An exception shall be made for construction waste stored on-site during the time of actual construction and commercial waste (e.g. grease salvaged by restaurants) when properly stored in such a manner as it does not cause a health hazard or nuisance by reason of odor or an attraction of vermin, and provided that the stored material is properly disposed of in a timely manner and in accordance with recognized industry standards.

6.2 Owners and occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.

6.3 All solid waste accumulated on any residential property in the Municipality shall be collected, conveyed, and disposed of by an authorized collector and in accordance with the provisions of this Ordinance; except that recyclable materials not required to be collected by the collector servicing the property may be collected, conveyed, and disposed of by the property owner from their own property by depositing such recyclable material in appropriate recycling facilities, and providing that they comply with the provisions of this Ordinance. The burning of solid waste and recyclable materials shall be prohibited.

6.4 All solid waste accumulated on commercial and institutional properties shall be collected, conveyed, and disposed of by authorized collectors under contract with, or registered with the Municipality. In such a case where a residential property owner, commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by Municipality, owners of nonresidential properties may collect, convey and dispose of privately generated solid waste by their own containers and/or trucks, providing they comply with the provisions of this Ordinance applicable thereto. Residential property owners may compost food waste on their own property provided that the food waste is generated on-site, that the compost pile does not become a nuisance, and that the property owner has solid waste and recycling collection as required by this ordinance. Nothing in this ordinance shall be construed as permitting the burying or land application of garbage.

6.5 It shall be unlawful for any person to collect and dispose of any solid waste within the Municipality except as provided in this Ordinance.

## **Section 7. UNLAWFUL SOLID WASTE:**

7.1 Except as otherwise provided for by this Ordinance, It shall be unlawful to keep or allow in or about any dwelling or upon any land or other premises within the Municipality solid waste of any kind which is obnoxious or offensive by reason of dust or odor, or which attracts insects and vermin, except in covered receptacles. The cover shall be tight and fly proof; and it shall be unlawful to retain accumulation of any said solid waste so as to constitute a menace to the health and safety, it being a presumption that such a menace exists when more than seven days have elapsed after such solid waste is originally retained, accumulated, or permitted to accumulate; and nothing herein contained shall be construed to permit the retention of any solid waste which is or becomes obnoxious or offensive by reason of dust or odor, or which attracts insects or vermin.

7.2 No volatile liquids, explosives, radioactive material, or containers which would explode upon contact with heat or fire shall be placed for collection, except small (retail-sold) spray cans.

7.3 No hazardous waste shall be stored or placed for collection on residential properties except for small quantities of such waste normally found in the household and available on a retail basis to the homeowner.

## **Section 8. STANDARDS AND REGULATIONS FOR DISPOSAL OF RECYCLABLE MATERIALS**

8.1 Policy: While the Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 requires that a municipality designate specific materials that must be recycled, it shall be the policy of Dingman Township to encourage residents to recycle all materials that can be recycled in a cost effective manner. Collectors are encouraged to collect for recycling as many types of materials as possible.

8.2 Mandatory materials to be recycled will be established by the Board of Supervisors by resolution.

8.3 General Requirements:

8.3.1 Solid waste intended to be recycled must be removed from the property by an authorized collector excepting that the property owners/tenants may transport materials not collected by the recycling

collector servicing their property to a recycling facility that has been approved for such purpose by the Township, County, or State Government.

8.3.2 All materials intended to be recycled must be stored indoors or in covered vermin proof containers.

8.3.3 If curbside collection of recyclables is provided, all recyclable material shall be placed in containers provided by, or approved by, the collector.

8.3.4 Prior to being taken to a recycling facility or being placed out for curbside collection, all recyclable material must be cleaned of food waste or other material that may attract vermin. The material to be recycled must be free of other contaminants (e.g. lids must be off jars) that would prohibit the material from being properly recycled.

8.3.5 Unless the recycling facility or collector permits commingling, all recyclable material must be sorted and segregated by the material type. It shall be unlawful to dispose of one type of recyclable material in a bin or collection unit intended for another type recyclable material (e.g. disposing of steel in a collection unit intended for glass).

8.3.6 No solid waste, other than those materials of which the facility or collector specifically recycles, may be disposed of at a recycling facility.

8.3.7 All recyclable material disposed of at a recycling facility must be placed in the authorized containers. It shall be unlawful to leave recyclable materials on top of, along side of, or near recycling containers, or outside of a recycling facility building.

8.4 Residential Collection. In addition to the general requirements, the following shall apply specifically to residential properties:

8.4.1 All residential properties must be serviced by a registered collector to remove any solid waste that is intended for recycling.

8.4.2 All materials intended to be recycled must be collected at least once per month. Weekly collection is to be encouraged.

8.4.3 All materials to be recycled must be placed curbside or at a location otherwise specified by the collector.

8.4.4 All materials to be recycled must be placed in a container provided by, or approved by the collector.

8.5 Gated Communities / Apartment Complex Collection. In addition to the general requirements, the following shall apply specifically to Gated Communities and Apartment Complexes utilizing centralized garbage collection.

8.5.1 Communities and apartment complexes not employing door-to door garbage pick-up may use the centralized collection of material to be recycled subject to the approval of the Board of Supervisors.

8.5.2 The recycling bins must be placed in the area in which the garbage collection bins are located.

8.5.3 The community/apartment complex must recycle all materials designated by the municipality. The recycling of additional materials is to be encouraged.

8.5.4 All recycling must be removed from the property and taken to an approved facility at least once per month.

8.5.5 The community/apartment complex shall ensure that all materials are placed in the appropriate bins and that the area of the recycling bins does not become a dumping ground for refuse and other debris.

8.6 Commercial / Organizations / Institutions/ Community Activities. In addition to the general requirements, the following shall apply specifically to properties not used for residential purposes.

8.6.1 All commercial, industrial, and properties owned by public and private organizations other than gated communities and apartment complexes as addressed above and Community Activities as defined herein, shall be required to recycle the materials specifically required by the Board of Supervisors.

8.6.2 In addition to the materials specified by the Board, office paper, corrugated cardboard, and aluminum must be recycled and yard waste must be composted in the manner prescribed by this Ordinance.

8.6.3 All material to be recycled must be removed by a collector registered with the municipality. For purposes of this section, the property owner may utilize "in house" collectors provided that the collector is registered with the municipality and otherwise complies with the ordinance.

8.6.4 With approval by the Board of Supervisors, Mixed-Use properties (those that are used for both residential and commercial purposes) may address the recycling of solid waste for the residentially used portion of the property as Residential or as a Gated Community / Apartment Complex, as determined appropriate by the Board of Supervisors.

**Section 9. STANDARDS AND REGULATIONS FOR STORAGE OF SOLID WASTE OTHER THAN MATERIALS TO BE RECYCLED OR YARD WASTE PRIOR TO COLLECTION:**

9.1 Every person shall provide sufficient approved containers for receiving and holding solid waste. Containers shall be kept in a sanitary condition at all times.

9.2 Garbage (food waste) and rubbish shall be stored in a container, which shall have a tight-fitting cover, have suitable handles, be water-tight and fly-proof and be able to be carried easily by the collector. Containers provided by the collector must be utilized. Otherwise, the property owner shall supply the container.

9.3 Garbage (food waste) shall be drained of all liquids.

9.4 Containers shall be kept tightly covered at all times.

9.5 Containers shall be of not less than 20 gallons, nor more than 55 gallons in capacity for residential properties, unless otherwise authorized by the collector.

9.6 Containers shall be stored on the owner's property.

9.7 When mechanical bins or detachable containers are in use, they shall be easily accessible to the collection vehicle.

9.8 All solid waste shall be stored in containers, except yard waste and materials to be recycled.

9.9 Gated Communities, Apartment complexes, and non-residential facilities producing solid waste in volumes normally greater than that produced by a single family residence, may with approval by the Board of Supervisors, employ centralized dumpsters to store their solid waste for collection.

9.10 The Municipality specifically reserves the right to modify and to specifically provide for some other receptacle for the handling of solid waste which the governing body may at some future time deem to be acceptable, appropriate, and beneficial for handling of said solid waste material.

**Section 10. STANDARDS AND REGULATIONS FOR STORAGE, COLLECTION, AND PROCESSING OF YARD WASTE.**

10.1 Policy: It is the policy of Dingman Township that, whenever possible, yard waste is to be recycled back to nature in an environmentally and sustainable manner. To facilitate this goal, property owners are encouraged to consider the

processing of leaves and other yard waste in the follow manner, listed in the order of preference:

- Allowing yard waste to decompose in place
- On-site composting
- Off-site composting

10.2 Decomposition of yard waste on-site may be employed by allowing leaves, twigs, grass clippings, etc. to decompose where they lie. Garden waste may be tilled into the garden. Where yard waste must be removed (for example, lawn areas) the material may be blown, raked, or otherwise deposited on more appropriate portions of the property (such as a wooded area) for natural decomposition. Yard waste may not be relocated to any area within 50 feet of a lake, stream or other body of water.

10.3 Yard waste not allowed to decompose naturally may be disposed of by on-site composting (compost pile). Compost piles must remain 50 feet from any lake, stream, or body of water and, may not be allowed to become a nuisance by way of odor or as an attraction to vermin.

10.4 Yard waste may be removed from the property by the property owner or a registered collector for off-site composting at an approved commercial or publicly owned facility that is approved to collect such waste. The Board of Supervisors will solicit private firms to collect yard waste and shall make the names and contact information of said firms available to the public. Property owners disposing of yard waste through an authorized collector shall place the yard waste curbside unless other arrangements have been made individually with the collector.

10.5 Gated Communities / Apartment Complexes, with approval by the Board of Supervisors, may provide for a central collection point or establish an on-site composting facility. Otherwise, Gated Communities / Apartment Complexes shall implement curbside pick up of yard waste within their community or complex and arrange for disposal at an off-site composting facility.

10.6 This section shall apply to all properties including those used for residential, commercial, industrial, or organizational purposes, and properties used for Community Activities as defined by this Ordinance.

## **Section 11 COLLECTORS OF SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTE**

11.1 It shall be unlawful for any person, individual, partnership, or corporation or employer or agent to collect solid waste including items to be recycled and yard waste from residential, commercial, and institutional properties as herein

defined under the terms and conditions of this ordinance in violation of any part of this ordinance.

11.2 All parties desiring to collect solid waste, including materials to be recycled and yard waste must register their intent annually with the Township under procedures established by the Board of Supervisors. There will be no fee for registration. Failure to register shall be a violation of this ordinance.

11.3 Registered collectors shall be required to provide periodic reports to the Township documenting the materials that they collect for recycling, the amount of materials collected, the location in which the material was disposed and any other information deemed necessary by the Board of Supervisors. Failing to report shall be a violation of this ordinance

11.4 Registered collectors of yard waste, including Gated Communities and Apartment Complexes that have on-site composting facilities, shall report the volume of material hauled or processed, the location in which it was disposed, and any other information deemed necessary by the Board of Supervisors. Failing to report shall be a violation of this ordinance.

11.5 Registered collectors shall notify the Township upon the termination of solid waste or recycling services to a customer in order for the Township to ensure that service is being continued by another registered collector.

11.6 Registered collectors shall, upon request by the Township, confirm whether a resident has contracted with the collector to collect their solid waste, materials to be recycled, and/or yard waste, as applicable.

## **Section 12. STANDARDS AND REGULATIONS FOR COLLECTION:**

12.1 Authorized Collectors shall collect all solid waste acceptable for collection and materials to be recycled.

12.2 All residential properties shall use registered collectors unless they receive approval from the Board of Supervisors for alternative arrangements consistent with this ordinance.

12.3 The collector shall provide service to all who desire service and have paid the required fees.

12.4 Collection Requirements

12.4.1 Except as otherwise provided for in this Ordinance, all household solid waste shall be collected at least once each week, with the exception of bulky waste and dead animals for which arrangements shall be made in

advance with the collector. All institutional, commercial, industrial, and gated community / apartment complex solid waste shall be collected as often as required by generated volumes and environmental problems.

12.4.2 Recyclable material, when collected by an authorized collector for transportation to a recycling facility, shall be collected at least once a month. Yard waste, when collected curbside by an authorized collector on dates designated by the Board, shall be taken to a DEP approved composting facility.

12.5 The collector shall establish and record a regular collection schedule. If a collection day falls on a holiday, the collector shall notify all customers of when collection will be made.

12.6 All collection and transportation vehicles shall be constructed of metal or other impervious materials, able to be enclosed or fitted with a cover, which will be used to prevent spillage of the contents. All waste materials dropped on streets or roads shall be immediately picked up.

12.7 All vehicles shall be cleaned at sufficient frequency to prevent nuisance or insect breeding.

#### 12.8 Place of Collection

12.8.1 Refuse and recycling containers shall, for the purpose of collection, be placed at the curb or street line, at ground level, and be made readily accessible to the collector.

12.8.2 Notwithstanding provisions of this Ordinance, residential property owners, commercial establishments, or other persons may, by mutual agreement with the collectors, be permitted to place containers at a location on their property other than as specified in subsection 12.8.1.

12.8.3 Collections shall be made from all properties throughout Dingman Township. This shall include all streets, dedicated or otherwise, and shall include those streets that are temporarily closed for repairs or construction. In the latter case, special collection points shall be designated by the Board of Supervisors if the condition of the street would prevent access thereto by the collector's truck.

12.8.4 Collection of yard waste by registered collectors shall be made at the curb or street line at ground level and be made readily accessible to the collector. The collector may require that the materials be bundled, bagged, or placed in containers for collection.

#### 12.9 Frequency of Collections

12.9.1 Holidays. Solid waste collection shall not be made on the following holidays: January 1 – New Year’s Day; Last Monday of May – Memorial Day; July 4 – Independence Day; First Monday of September – Labor Day; Fourth Thursday of November – Thanksgiving Day; and December 25 – Christmas Day.

12.9.2 Hours. Collections shall be made at those hours mutually agreed upon between the collector and the governing body. Hours agreed upon shall be so indicated within the collection contracts or licenses.

12.9.3 Clean-Up and Special Collections. The collector shall, on scheduled routes, cooperate with special clean-up drives as may be promulgated by the governing body which shall not exceed twice in number in any one year. In addition, upon request, the collector shall provide a separate and special collection on a day or days as may be required, in order to collect abandoned Christmas trees.

12.9.4 Yard waste may be collected throughout the year at the mutual convenience of the collector and the property owner. However, all authorized collectors of yard waste must be available and participate in the collection of yard waste during a two semi-annual two week periods designated by the Board of Supervisors.

12.9.5 Collectors of material to be recycled must collect such materials at least once per month.

### **Section 13. COLLECTION VEHICLES, EQUIPMENT, AND PERSONNEL:**

13.1 All vehicles used for collection of solid waste other than yard waste and materials to be recycled shall be equipped with compacting devices or enclosed cargo space to store the collected material

13.2 It shall be unlawful to collect, haul, transport, or convey solid waste in open, unenclosed vehicles, except that open-type vehicles may be used only for the collection of large items or debris which cannot, because of size, or nature be collected by ordinary means.

13.3 Trucks shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the laws of the Commonwealth of Pennsylvania, the County of Pike, and Dingman Township.

13.4 Vehicles and equipment shall not be overloaded so that garbage or trash may spill or drop on the highways or streets, nor shall the equipment be so designed or maintained so as to permit the leakage of fluids. All trucks shall be

regularly cleaned and kept in proper condition and shall bear the name and address of the contractor plainly visible on both cab doors.

13.5 Each truck shall have at least one broom and shovel to clean up refuse that may be spilled or otherwise scattered during the process of collection.

13.6 The collector, at his expense, shall store and park the equipment at a convenient and lawful place. No trucks or equipment may be parked or stored on any street within Dingman Township except during actual collection periods.

#### **Section 14. STANDARDS AND REGULATIONS FOR STORAGE AFTER COLLECTION:**

14.1 All storage of solid waste after collection and before disposal shall only be in transfer stations, which conform to the regulations of the Commonwealth of Pennsylvania, the County of Pike, and Dingman Township. The only exception shall be full or partially-full collection vehicles, which have made a final pick up for the day. In no case shall such collection vehicles be permitted to hold solid waste longer than 24 hours. This section shall not apply to yard waste and recyclable materials stored at approved recycling facilities.

14.2 All plans and specifications for transfer stations shall be submitted for approval and permit issuance to Dingman Township, the County of Pike, and to the Commonwealth of Pennsylvania. A permit must be received from the Commonwealth before operation commences.

14.3 All storage of solid waste in transfer stations shall be limited to no more than 48 hours.

14.4 Operators of transfer stations must submit to Dingman Township a contingency plan for the disposition of solid waste, which is not able to be removed from the site within 48 hours because of an emergency situation.

#### **Section 15. STANDARDS AND REGULATIONS FOR DISPOSAL:**

15.1 It shall be unlawful for any collector to dump, process, destroy, bury, or otherwise dispose of solid waste within the jurisdictional limits of the Municipality except at facilities approved and permitted by Dingman Township, the County of Pike, and the Pennsylvania Department of Environmental Protection.

15.2 All collectors shall dispose of the solid waste other than yard waste and materials to be recycled from Dingman Township at a sanitary landfill, incinerator, waste-to-energy plant, or other facility approved and permitted by the Pennsylvania Department of Environmental Protection.

15.3 The specific disposal site shall be designated by the Pike County Solid Waste Management Plan.

15.4 All disposal regulations at the designated disposal site shall be adhered to by the collector(s).

15.5 All vehicles used for collection shall use, in so far as practical, state highways when proceeding to and from the designated disposal site, except when using roads and streets in those townships or boroughs where licensed to collect.

**Section 16. STANDARDS AND REGULATIONS FOR PROCESSING METHODS:**

16.1 All solid waste processing shall be accomplished by approved methods in properly permitted facilities, including but not limited to incinerators, compost plants, and salvage operations, conforming to all the applicable laws, ordinances, and zoning requirements.

16.2 All plans and specifications shall be approved by the Commonwealth prior to the construction and operation of such processing facilities except for facilities that compost yard waste and are by reason of size or other reason, exempt from state regulation.

16.3 All incinerators shall be operated so that pollution of the air will not exceed the air quality standards established by the Pennsylvania Department of Environmental Protection.

16.4 Residues or discards from the processing facility shall be disposed of at a Pennsylvania Department of Environmental Protection permitted facility.

**Section 17. GENERAL PROHIBITED ACTIVITIES:**

17.1 It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal except as may be provided for in the Dingman Township's solid waste rules and regulations promulgated under this ordinance.

17.2 It shall be unlawful for any person to salvage or reclaim any solid wastes except at a properly permitted facility in which salvage is an integral plan of operation.

17.3 It shall be unlawful to make garbage available for animal consumption unless such refuse has been heat-treated to kill any disease agent therein.

17.4 It shall be unlawful for any person to use, maintain, or operate an open dump or landfill except under a license or permit issued by the Commonwealth.

17.5 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 except as provided in this ordinance.

17.6 It shall be unlawful to deposit any solid waste, including recyclable materials, in any recycling facility except as provided for in this Ordinance.

**Section 18. REGULATIONS:** The collection of solid waste in Dingman Township and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Board of Supervisors; provided however, that no such rules and regulations shall be contrary to the provisions of this Ordinance or applicable law.

**Section 19. REPORTING REQUIREMENTS.** This ordinance hereby incorporates the reporting requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 by reference thereto.

**Section 20. INSPECTION PROCEDURES:**

20.1 All containers, vehicles, equipment, transfer stations, disposal sites, books and records of authorized, unauthorized or prospective collectors, storers, processors, and disposers are subject to the inspection at any reasonable hour without prior notice.

20.2 Vehicles and equipment or collectors shall be inspected before being put into operation and during operation.

20.3 All solid waste storage, transfer, processing, or disposal facilities within Dingman Township shall also be inspected immediately prior to commencement of operation of the site and at least once per year thereafter in concert with representatives of the Commonwealth.

**Section 21. INSURANCE:** Prior to the operation of any solid waste storage, transfer, processing, or disposal facility within Dingman Township, the applicant shall be required to present evidence of insurance coverage.

**Section 22. INJUNCTIVE POWERS:** Dingman Township may Petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this ordinance.

**Section 23. PENALTIES:**

23.1 Any person, firm, corporation or other entity violating any of the provisions of this ordinance by dumping, scattering, placing, depositing or permitting solid waste to be dumped, scattered, placed or deposited upon any roads, streets, highways, public lands or private lands in the Township or who otherwise violates the provisions of this Ordinance shall upon conviction be guilty of a summary offense and be sentenced to pay a fine of not less than One Hundred (\$100.00) dollars nor more than One Thousand (\$1,000.00) Dollars per day for each day of violation. In default of payment of the fine, such persons, or members of firms or corporations shall be liable to imprisonment for not more than sixty (60) days. Evidence that solid waste is the solid waste of a particular person, firm, corporation or other entity shall create a rebuttal presumption that the solid waste was dumped or permitted to be dumped by the owner thereof.

23.2 The governing body shall have the right, at any time, to suspend or revoke the registration of any authorized or private collector for any of the following causes:

23.2.1 False or misleading statements in the application for registration;

23.2.2 Collecting or transporting refuse in a careless or negligent manner resulting in dirt, odor, or any unsanitary condition;

23.2.3 Failure to deposit solid waste other than yard waste at a Department of Environmental Protection-approved disposal site in compliance with all disposal regulations in force at the approved site; and

23.2.4 A violation of any part of this Ordinance or any of the Ordinance of the Municipality, or any applicable State or County laws.

**Section 24. SEVERABILITY CLAUSE:** The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences be held illegal, invalid, or unconstitutional, such illegality, invalidity, or unconstitutionality shall not affect or impair any of the remaining sections, clauses, or sentences of this Ordinance.

**Section 25 REPEALER CLAUSE:** This Ordinance is intended to repeal such prior ordinances, resolutions, and regulations of the Municipality, which are specifically inconsistent herewith.

**Section 26. EFFECTIVE DATE:**

This ordinance shall take effect on     SEPTEMBER 1    , 2013.

Ordained and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

DINGMAN TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Thomas E. Mincer

\_\_\_\_\_  
Dennis L. Brink

\_\_\_\_\_  
Kerry W. Welsh

ATTEST:

\_\_\_\_\_  
Karen Kleist, Sec/Treas.