

Chapter 20
SOLID WASTE

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[HISTORY: Adopted by the Board of Supervisors of the Township of German as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Waste Reduction and Recycling
[Adopted 8-16-1994 by Ord. No. 81694]

- § 20-1. Short title.

This article shall be known and may be cited as the "Township of German Waste Reduction and Recycling Ordinance."

Building Authority, the State Highway and Bridge Authority, and any other authority now in existence or hereafter created or organized by the commonwealth.

DEGRADABLE PLASTIC BEVERAGE CARRIER — Plastic beverage carriers that degrade by biological process, photodegradation, chemodegradation or degradation by other natural processes. The degradation process does not produce or result in a residue or by-product considered to be hazardous waste.

DEPARTMENT — The Department of Environmental Protection of the commonwealth and its authorized representatives.¹

DISPOSAL — The deposition, 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 this commonwealth.

FEASIBILITY STUDY — A study which analyzes a specific municipal waste processing or disposal system to assess the likelihood that the system can be successfully implemented, including, but not limited to, an analysis of the prospective market, the projected costs and revenues of the system, the municipal waste-stream that the system will rely upon and various options available to implement the system.

HOST MUNICIPALITY — The municipality other than the county within which a municipal waste landfill or resource recovery facility is located or is proposed to be located.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings, and similar material, but including grass clippings.

LOCAL PUBLIC AGENCY —

- A. Counties, cities, boroughs, towns, Townships, school districts and any other authority now in existence or hereafter created or organized by the commonwealth.
- B. All municipal or school or other authorities now in existence or hereafter created or organized by any county, city, borough, Township, or school district or any combination thereof.
- C. Any and all other public bodies, authorities, councils of government, officers, agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.

MANAGEMENT — The entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid wastes by any person engaging in such process.

MUNICIPAL RECYCLING PROGRAM — A source separation and collection program for recycling the Township of German's waste or source-separated recyclable materials, or a program for designated drop-off points or collection centers for recycling the Township of German's waste or source-separated recyclable materials, that is operated by or on behalf of

1. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. 1).

off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

PROJECT DEVELOPMENT — Those activities required to be conducted prior to constructing a processing or disposal facility that has been shown to be feasible, including, but not limited to, public input and participation, siting, procurement and vendor contract negotiations, and market and municipal waste supply assurance negotiations.

PUBLIC AGENCY — Any commonwealth agency or local public agency.

RECYCLED CONTENT — Goods, supplies, equipment, materials and printing containing postconsumer materials.

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING FACILITY — A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

RESIDUAL WASTE — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid 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 shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law.

RESOURCE RECOVERY FACILITY — A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off point or collection center for recycling, or any source-separation or collection center for composting leaf waste.

Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and the regulations promulgated pursuant thereto.

- C. Duties. The Township of German shall implement the provisions of this article by collecting, transporting, processing or marketing source-separated materials or may contract, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection and storage of municipal waste and source-separated recyclable materials, if the recycling, transportation, collection or storage activity or facility is conducted or operated in a manner that is consistent with the Solid Waste Management Act, The Municipal Waste Planning, Recycling and Waste Reduction Act, this article and the regulations promulgated pursuant thereto. Any such person shall be jointly and severally responsible with the Township of German when carrying out its duties for transportation, collection or storage activity or facility.

§ 20-6. Township recycling program.

The Township of German hereby establishes and implements a source separation and collection program for recyclable materials in accordance with § 1501 of the Municipal Waste, Planning, Recycling and Waste Reduction Act. The source separation and collection program shall include the following regulations:

- A. Persons are hereby required to separate three materials, deemed appropriate hereafter, from other municipal waste generated at their homes, apartments and other residential establishments and to store each material until collection. The three materials shall be designated periodically from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics. Nothing in this article shall be deemed to impair the ownership of separated materials are placed at curbside or similar location for collection of the Township of German.
- B. Persons are hereby required to separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments until collection unless those persons have otherwise provided for the composting of leaf waste. The Board of Supervisors of the Township of German shall allow an owner, landlord, or agent of an owner or landlord of multifamily rental under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this article shall not be liable for the noncompliance of the occupants of their buildings.
- C. Persons are hereby required to separate high grade office paper, aluminum, corrugated paper and leaf waste and other material deemed appropriate generated as commercial, municipal, or institutional establishments and from community activities and to store the material until collection. The Board of Supervisors of the Township of German shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the requirements of this article if those persons have otherwise provided for the recycling of materials that they are required by this article to

§ 20-9. Drop-off centers.

- A. Persons who operate a municipal waste landfill, resource recovery facility or transfer station under contract with the Township of German shall establish at least one drop-off center at a location, designated by the Township of German by Resolution of the Board of Supervisors of the Township of German, for the collection and sale of at least three recyclable materials.
- B. The three materials shall be chosen by the Board of Supervisors of the Township of German pursuant to a resolution from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper and plastics. The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility. Each drop-off center must contain bins or containers where recyclable materials may be placed or temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight hours a week, including four hours during evenings or weekends, pursuant to a schedule established by resolution of the Board of Supervisors of the Township of German.
- C. Each operator shall, at least 30 days prior to the initiation of the drop-off center program and at least once every six-month thereafter, provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the Township of German or provide notice in another manner approved by the Board of Supervisors of German Township.

§ 20-10. Annual report.

On or before _____ of each year, the Secretary of the Township of German shall submit a report to the Fayette County Solid Waste Department which shall describe the weight or volume of materials that were recycled by the municipal recycling program in the preceding calendar year.

§ 20-11. Violations and penalties. ³

Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. I).

§ 20-15. Prohibited disposal of refuse.

It shall also be unlawful for any person to dispose of any refuse, garbage, rubbish or riff-raff in said Township except in accordance with the terms of this article.

§ 20-16. Storage practices.**A. Preparation of refuse.**

- (1) All refuse shall be drained free of liquids before disposal.
- (2) Garbage shall be wrapped in paper or similar material.
- (3) All cans, bottles or other food containers shall be rinsed free of food particles and drained before disposal.
- (4) Rubbish shall be placed in approved containers, total weight shall not exceed 60 pounds; or, cut and baled, tied, bundled, stacked or packaged so as not to exceed 36 inches in length and 50 pounds in weight.

B. Refuse containers.

- (1) Refuse containers shall be made of durable, water-tight, rust-resistant material having a close-fitting lid and handles to facilitate collection.
- (2) Refuse containers for residences shall be of not less than 15 gallons, nor more than 25 gallons in capacity.
- (3) It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thorough rinsing and draining as often as necessary.

C. Storage of refuse.

- (1) Each householder, commercial establishment or person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein; except as provided in Subsection A(4) of this section relating to handling of rubbish.
- (2) It shall be unlawful to place refuse in any street, alley, stream, body of water, or any other public place, or upon private property, whether owned or not, unless such refuse is placed in an approved container, except that rubbish may be stored as provided in Subsection A(4) of this section.

§ 20-17. Collection practices. ⁴**A. Place of collection.**

4. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. I).

Health, relating to the collection and disposition of garbage, rubbish, riff-raff and other refuse material. Before any license is issued to any hauler, the hauler must:

- A. Submit an application accompanied by the fee for a license;
- B. Secure at his expense a performance bond with surety to be approved by the Township Solicitor in the amount of at least \$5,000; and
- C. Provide the Township with certificates of public liability insurance in an amount of not less than \$100,000, and property damage insurance in an amount of not less than \$25,000.

§ 20-19. Disposal of refuse.

It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of refuse within the jurisdictional limits of the Township of German, except at the Township approved refuse disposal site.

§ 20-20. Private dump prohibited.

No person, firm or corporation shall use or permit to be used any spot or place within the Township as a public or private dump for garbage, refuse, riff-raff, rubbish or other waste material. Any person within the Township desiring to bury his own garbage, rubbish, refuse, riff-raff or other materials, and his only, upon private ground must do so according to the requirements of the Pennsylvania Department of Health, and in no event shall he be permitted to dispose of his own garbage, rubbish, riff-raff or other refuse materials on his own private property unless the total acreage of the property being used under his ownership or control is of a size of 10 acres or larger. If said person owning or controlling 10 acres or larger desires to dispose of his refuse under the provisions of this article, then said refuse shall be collected every two weeks.

§ 20-21. Limited accumulation of garbage and rubbish.

No person shall accumulate garbage, rubbish, riff-raff, refuse or other waste materials upon private property in the Township except in such limited quantities and for such limited periods of time as shall ensure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish, riff-raff or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish, riff-raff and other refuse materials within 30 days after the effective date of this article shall be deemed a violation of this section of this article.

§ 20-22. Rules and regulations.

The collection of garbage, rubbish, riff-raff or other refuse material in the Township and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the Township Supervisors Provided, However, that all such rules and regulations shall not be contrary to the provisions of this article.

the result of services performed for a person authorized to use the composting facility pursuant to § 20-24 herein.

§ 20-28. Burning prohibited.

It shall be unlawful for any person or entity to openly burn, in any place, in any manner whatsoever, yard waste, garbage, rubbish, tires, industrial waste, other vegetative matter or any other items, substances or materials of whatsoever kind or nature, except that the German Township Supervisors may from time to time authorize limited burning to preserve the health and welfare of the citizens of German Township.

§ 20-29. Violations and penalties.

Any person who fails to comply with any or all of the requirements or provisions of this article shall be subject to criminal and/or civil penalties. All actions for enforcement to this article shall be brought as follows:

- A. As a summary offense, before a Magisterial District Judge in the same manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or fail to comply with any of the provisions of this article shall, upon conviction thereof, in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, costs of prosecution, restitution and/or a term of imprisonment up to 90 days, per violation. Each day that a violation continues shall constitute a separate offense; or
- B. As a civil action in law or in equity, before a Magisterial District Judge in the same manner provided for under the Pennsylvania Rules of Civil Procedure of District Justice Rules. Any person who shall violate or fail to comply with any of the provisions of this article shall be assessed a civil penalty of not less than \$100 nor more than \$600, court costs, restitution and reasonable attorney fees incurred by the Township in the enforcement of proceeding, per violation. Each day that a violation continues shall constitute a separate offense.

§ 20-30. Enforcement.

The German Township Supervisors, the German Township Code Enforcement Officers, the German Township Constables and any other person duly designated and authorized by the German Township Supervisors are hereby authorized to enforce the provisions of this article.