

**SHENANGO TOWNSHIP  
LAWRENCE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1 OF 2010**

**MUNICIPAL SOLID WASTE ORDINANCE**

AN ORDINANCE OF SHENANGO TOWNSHIP TO REGULATE THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF MUNICIPAL SOLID WASTE, AND TO ESTABLISH A PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS AND LEAF WASTE FROM RESIDENCES, COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL ESTABLISHMENTS IN SHENANGO TOWNSHIP; TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS AND LEAF WASTE INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; TO EMPOWER THE MUNICIPALITY TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREFORE; AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, SEVERABILITY AND THE REPEAL OF PRIOR INCONSISTENT ORDINANCES.

BE IT ORDAINED AND ENACTED by the Shenango Township Board of Supervisors, Lawrence County, Commonwealth of Pennsylvania, as follows:

**Municipal Solid Waste Ordinance**

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PART 1  
TITLE, PURPOSE, AND DEFINITIONS

§101. Short Title

This ordinance shall be known as the "Shenango Township Municipal Solid Waste Ordinance".

§102. Establishment of Program

The Township hereby establishes a program for municipal solid waste management and the mandatory separation of recyclables and yard waste from municipal waste which will be collected for disposal from residential dwellings, and commercial, industrial, and institutional establishments.

§103. Purpose

It is the intent and purpose of this Ordinance to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss associated with municipal solid waste accumulated or stored upon any property within the Township.

Shenango Township, recognizing that the reclamation of recyclable materials and the composting of yard waste has become an important method for addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, transportation and processing of municipal solid waste, recyclable materials and leaf waste in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 ("Pennsylvania Act 101") the Lawrence County Solid Waste Management Plan, and this Ordinance.

This Ordinance is intended to be an integral part of an overall system designed to facilitate recycling and waste minimization and foster the cooperation of the residents and businesses by providing that all residential, commercial, industrial, and institutional waste shall be collected, transported, and disposed of within the following conditions:

- A. For the purpose of municipal waste, source separated recyclables and leaf waste collection, all developed residential properties, except as exempted herein, shall be served by a licensed hauler through an exclusive contract with the Township to the extent provided by this Ordinance and all commercial, industrial and institutional establishments shall be served by a licensed hauler with which they contract directly.
- B. Haulers collecting municipal solid waste shall be licensed with the Commonwealth of Pennsylvania and registered with Shenango Township. Haulers collecting source-separated recyclables must be registered with Shenango Township.
- C. All municipal solid waste shall be disposed of at a facility designated in the Lawrence County Municipal Solid Waste Management Plan and in accordance with

state, federal, and county laws and ordinances.

- D. Source separated recyclables and leaf waste shall be managed in accordance with Pennsylvania Act 101 and the Lawrence County Municipal Solid Waste Management Plan and shall not be collected and removed for disposal at a landfill.

These conditions are established to ensure Township compliance with Pennsylvania Act 101 and the Lawrence County Municipal Solid Waste Management Plan.

#### §104. Establishment of Education Program

The Township hereby establishes an education program for municipal solid waste management, recycling and composting in accordance with the provisions of Pennsylvania Act 101 and this Ordinance. Educational materials and presentations shall be designed to increase the participation of both residents and business; to meet the recycling rates and goals established by the Commonwealth; and to encourage waste minimization and pollution prevention within the Township.

#### §105. Definitions

"Backyard Collection" - Collection of Municipal Waste from residential properties at a location other than curbside.

"Bag" - Plastic sacks designed for Municipal Waste with sufficient wall strength to maintain physical integrity when lifted by the top; with a capacity not to exceed Thirty two (32) gallons and a loaded weight not to exceed Twenty Five (25) pounds.

"Base Collection Rate" The monthly cost per residential unit for garbage collection service, which includes the collection of recyclables and leaf waste.

"Board of Supervisors" The Governing Body of the Township of Shenango.

"Cart" The wheeled container, owned and provided by the Township and/or the Contractor, which is capable of being mechanically unloaded into the Contractor's collection vehicles.

"Clear Glass" Shall mean empty bottles, jugs and jars made of clear glass. Expressly excluded are broken glass, noncontainer glass, plate glass, automotive glass, safety glass, light bulbs and porcelain and ceramic products.

"Colored Glass" Shall mean empty bottles, jugs and jars made of green or brown glass. Expressly excluded are broken glass, plate glass, automotive glass, safety glass, light bulbs, porcelain and ceramic products, and glass of any other than green or brown color.

"Commercial" Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. Multi-family dwellings and townhomes of greater than four (4) units, not individually owned, mobile home parks, hotels, motels, mixed use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. The term does not include properties where the primary permitted use is residential and an accessory use is commercial (i.e., home occupations).

"Community Activities" Events sponsored in whole or in part by a municipality, or

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

**"Compost Bag"** A paper bag specifically designed to hold yard waste, the material to be biodegradable and compatible with composting facilities. A compost bag shall hold no more than Fifty (50) gallons when full and weigh no more than Forty (40) pounds when filled.

**"Composting"** The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

**"Construction and Demolition Waste"** Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster and brick, conduit, pipe, insulation, and other material which results from a construction, demolition, or remodeling and/or repair process.

**"Container"** A metal or plastic receptacle used for Garbage, and/or Recyclables collection and that shall be rodent and insect proof.

**"Contractor"** The individual, firm, partnership, joint venture, corporation, or association performing Garbage, and Recycling collection, processing and disposal under Contract with the Township.

**"Curbside"** From any Structure, a point at the side of a Township or State maintained roadway abutting the property, or from a Structure abutting a private roadway, a point at the side of the private roadway, provided the property owner has issued a waiver for collection vehicles to travel along the roadway for collection.

**"Curbside Recycling"** Recycling services generally provided to Single Family Structures and individually owned units in Multi Family Dwellings. Recyclables are placed by customers at Curbside locations for collection.

**"Customer"** The owner of any residential, commercial, industrial, or institutional property located within the Township.

**"Detachable Container"**(also at times referred to as "dumpster") A watertight, all-metal Container, not less than three quarter (3/4) cubic yards in capacity and equipped with a tight-fitting metal or plastic cover. The term shall also apply to Containers of other material of similar size when approved by the Township.

**"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 the Commonwealth.

**"Disposal Site"** A refuse depository for the processing or final disposal of Refuse including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

**"Designated Agent"** An agent, such as the Council of Governments, or a Municipal Authority, acting on behalf of a municipality or county whose powers and responsibilities are

established in an intergovernmental agreement or similar document.

**"Dwelling Unit"** One or more rooms on premises which have cooking facilities and are arranged for occupancy by one (1) person, two (2) or more persons living together, or one family. Each Dwelling Unit within a non-commercial building shall be considered an individual customer.

**"Exclusive Contract"** An agreement entered into by Shenango Township, or its Designated Agent, with a private person or corporation for the collection and disposal of all residential municipal waste within Shenango Township.

**"Farm"** A single parcel of land of at least 10 acres, which is used for normal agricultural purposes, including barns, greenhouses, and not more than three single family dwelling units.

**"Food Waste"** Vegetable and other food scraps, including meat, dairy products, grease and bones; paper which has been contaminated with food, fat or grease; and compostable paper including paper towels, paper plates, tissue and waxed paper.

**"Garbage"** All discarded putrescible waste matter but not including sewage or sewage sludge, human excrement or Leaf waste.

**"Generator"** A person or municipality that produces or creates municipal waste.

**"Hazardous Waste"** Waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

**"Industrial"** Any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, and refineries.

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

**"Leaf Waste"** Plant material (leaves, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens. Leaf Waste does not include grass clippings, loose soils, sod; Food Waste, including from gardens or orchards; food compost; plastics and synthetic fibers; lumber; any wood or tree limbs over four (4) inches in diameter; human or animal excrement; noxious weeds and soil contaminated with hazardous substances.

**"Licensed Hauler"** A person who has obtained a license from the Commonwealth of Pennsylvania and registered with Shenango Township. Said licenses will be issued under the Waste Transportation Safety Act (Pennsylvania Act 90) authorizing said person to collect, transport, and or dispose of municipal solid waste, and bulk waste from residential, commercial, industrial, and institutional establishments. Persons that that are not required to obtain licenses issued under the Waste Transportation Safety Act (Pennsylvania Act 90) and persons that collect, transport, and or process only source-separated recyclables from residential, commercial, industrial, and institutional establishments must register with Shenango Township to be considered a Licensed Hauler.

**"Market"** The transfer of ownership of recyclable materials for the purpose of recycling the materials into a new product or use.

**"Municipal Waste"** Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid 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.

**"Municipal Waste Disposal Tag"** A Tag(s) sold by the Township, or its authorized agent, to be used to provide for the curbside collection of certain Municipal Waste items. The Tag shall be of different color and appearance and vary in cost to distinguish which Tag should be attached to a specific Municipal Waste item. The cost of a Tag shall be determined from time to time by Resolution of the Board of Supervisors.

**"Municipal Waste Landfill"** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

**"Municipal Waste Management Plan"** A comprehensive plan for an adequate municipal waste management system in accordance with Chapter 272, Subchapter C (relating to municipal waste planning).

**"Multi Family Dwellings"** Structures for residential living consisting of attached units.

**"Person"** An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**"Processing"** 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 offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

**"Recyclables"** For Residential properties, this shall include mixed waste paper, including office paper, junk mail and envelopes, corrugated and cardboard materials, newspapers, magazines, telephone books, bi-metal and aluminum cans and lids, clean aluminum foil and foil products, Clear Glass and Colored Glass and plastics #1 through 6. For Commercial, Industrial, Institutional and Community Activities Recyclables shall include corrugated cardboard, high grade office paper and aluminum cans

**"Recycle" or "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 for a fuel for the generation 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.

**"Refuse"** Discarded waste materials in a solid or semi- liquid state, consisting of garbage, rubbish or a combination thereof

**"Residential Unit"** A group of rooms located within a building and forming a single inhabitable unit with facilities that are used or are intended to be used for living, sleeping, cooking and eating. Buildings are included that contain four or less separate or contiguous single-family dwelling units with each unit to be treated separately for purposes of billing, or multi-family dwelling units of Five (5) or more dwelling units that are separately owned.

**"Residence, Residential"** Any house, dwelling, multiunit residence, apartment house, or any building put to residential use except Mixed Use Buildings.

**"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, waste water 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 sludge 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 act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law. (Pennsylvania Act 101, Section 103).

**"Source-separated Recyclable Materials"** Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

**"Structure"** All single family homes, and multi family dwellings of four units or less as well as multi family dwellings of more than four units that are separately owned.

**"Township"** The governmental jurisdiction and legal entity of Shenango Township, Lawrence County, Pennsylvania.

**"Unacceptable Waste"** The following categories of materials are considered unacceptable for collection and disposal as municipal solid waste:

- A. Hazardous waste
- B. Residual waste
- C. Unsterilized or unprocessed infectious or pathological waste
- D. Chemotherapeutic waste
- E. Gas cylinders
- F. Explosives and ordinance materials
- G. Liquid waste (i.e. containing less than 20% solids by weight or flowable)
- H. Drums, barrels, and buckets unless lids have been removed and interiors cleaned and free of any residue



- I. Radioactive materials
- J. Any solid waste generated outside of the Township
- K. Automotive parts, including tires

**"Yard Waste Composting Facility"** A facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility.

## PART 2 STORAGE, COLLECTION, PROCESSING AND DISPOSAL

### **§201. General**

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 public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance. Any person accumulating or storing municipal waste on private or public property shall insure the sanitary and legal disposal of such waste in accordance with this Ordinance and all other applicable Township, State, and Federal laws and regulations.

### **§202. Residential Properties**

A. **Storage:** Municipal Waste, and Recyclables accumulated by owners of residential properties and/or the occupants of residential properties shall be placed in closed or covered carts or bags for collection by the Township's exclusive Contractor. Leaf Waste accumulated by owners of residential properties and/or the occupants of residential properties shall be placed in Compost Bags for seasonal collection by the Township or delivered to the Township's drop-off site. Exact dates and times of seasonal Leaf Waste collection shall be determined by the Township each year. Use of Detachable Containers at multi-family establishments shall comply with the provisions of this Ordinance.

#### **B. Curbside Collection Time and Responsibility for Spillage:**

- 1. Residents shall place Municipal Waste in a Cart and/or Bag; and Recyclables in a Cart at Curbside for collection in sufficient time to permit collection on the day of collection. Leaf Waste shall be placed at Curbside in Compostable Bags in sufficient time to permit collection on the day of seasonal collection by the Township.
- 2. The collection course and the schedule of collection days shall be determined by the Township Secretary Treasurer or his designee. Residents

shall prevent the spillage of any Solid Waste material placed at the curb for collection, and shall be responsible for the clean-up of any spilled Municipal Waste and/or Recyclables and/or Leaf Waste prior to the collection by the Township's Contractor or the Township.

**C. Preparation for Curbside Collection**

1. **Solid Waste.** All Municipal Waste shall be placed in a Cart(s) provided by the Township's exclusive Contractor and/or in a Bag(s), except as provided herein, and placed at the curbside at a location not to exceed Eight (8) feet from the curb or edge of the roadway, on a level spot on the Dwelling Unit's property, so as to not block or interfere with the street right-of-way or public place, and with a distance of at least One (1) foot between Carts. Filled Cart(s) placed at curbside for collection shall not exceed the following weights

- A. 96 gallon - 200 pounds
- B. 35 gallon - 65 pounds

The lid of a Cart shall close securely and bags shall be tied at the top to prevent the spillage of any Municipal Waste. Any Municipal Waste preventing the closing of the lid shall be deemed excess Municipal Waste and require a Municipal Waste Disposal Tag.

2. **Recyclables.** Recyclables shall be placed in a Cart(s) supplied by the Township's exclusive Contractor and placed at the curb within Eight (8) feet of the curb or edge of roadway, on a level spot on the Dwelling Unit's property and in such a manner to not interfere or block the street right-of-way or public space, and with a distance of at least One (1) foot between Carts. Recycling Cart(s) placed at curbside for collection shall not exceed the following weights:

- A. 96 gallon - 200 pounds
- B. 35 gallon - 65 pounds

3. **Leaf Waste.** Leaf Waste may be placed at the curb for seasonal collection to be determined by the Township in a Compost Bag. The Compost Bag, when filled, shall not exceed 40 pounds when placed at the curb for collection. The Compost Bag shall be placed within Eight (8) feet of the curb or edge of roadway, on a level spot on the Dwelling Unit's property, and in such a manner as to not interfere or block the street right-of-way or public space. Leaf Waste may be delivered to the Township's drop-off site for collection. Exact dates and times of operation and collection to be determined by the Township

a. **Special Christmas Tree Collection** - Natural Christmas trees will be collected at the Township's drop-off site with the exact dates to be determined by the Township. Natural Christmas Trees will be accepted with branching spread not more than Four (4) feet across and with pieces of the trunk no more than Six (6) feet in length.

4. **Ownership and Care of Solid Waste, and Recycling Carts** - All Carts are the property of the Township's exclusive Contractor. Customers shall exercise reasonable care and custody of the Cart(s) they are assigned and shall only utilize the Cart(s) for the purposes they were provided. Customers shall maintain the Cart(s) in a sanitary condition at all times and shall not remove the Cart(s) from the property to which the Cart(s) was assigned by the Township's exclusive Contractor.
5. **Municipal Waste Disposal Tag** - A Municipal Waste Disposal Tag(s) shall be sold exclusively by the Township, or its designated agents, and utilized by the Customer for the curbside collection of all Municipal Waste items that do not fit into a Solid Waste Cart(s), including bags and excess garbage. Municipal Waste Disposal Tags shall be required for the following types of Municipal Waste placed at the curbside for collection by the Township's exclusive Contractor. A separate Municipal Waste Disposal Tag shall be secured on each item and such tags are not reusable.
  - A. **Small Item/Garbage Bag Tag** - A Municipal Waste Disposal Tag shall be used for each single Municipal Waste item that does not fit inside a Cart, including a Bag and other single items outside the Cart that do not exceed Twenty Five (25) pounds, such items include a small VCR or DVD Player and a bicycle.
  - B. **Bulk/ Large Item Tag** - A Municipal Waste Disposal Tag shall be used for each single Solid Waste item placed outside a Cart, such items include a sofa, large overstuffed chair, large screen/console TV. The Customer shall provide an advance notice to the Township's Contractor of One(1) business day before the Customer's regular collection day.
  - C. **White Good/Appliance** - A Municipal Waste Disposal Tag shall be used for each single Solid Waste item placed outside a Cart that includes a refrigerator, washer, dryer, hot water tanks and similar large household appliance. All appliances containing freon, must have the freon removed by a state certified technician prior to curbside collection. All refrigerator and freezer doors shall be removed prior to placing at curbside for collection. The Customer shall provide an advance notice to the Township's Contractor of One(1) business day of the Customer's regular collection day. Pianos, organs, spas, hot tubs and furnaces are not included.
  - D. **Placement of Items Requiring Solid Waste Tag** - All items requiring a Municipal Waste Disposal Tag shall be placed within Eight (8) feet of the curb or edge of roadway, on the Dwelling Unit's property, so as to not block, interfere with or otherwise prevent access to the Municipal Waste and/or Recycling Cart(s), or any street right-of-way or public place. The Customer shall maintain the area around the Municipal Waste

item to provide unobstructed access, including the removal of snow and ice.

**§203. Commercial, Industrial, Institutional Properties and Community Activities**

- A. Containers, Municipal Waste, Recyclables and Leaf Waste accumulated on commercial, industrial and institutional properties shall be stored in Containers or Detachable Containers.
- B. **Securing Material for Collection.** Commercial, industrial and institutional properties storing Recyclables outside of containers shall tie the material securely in bundles of a size that can be readily handled for collection, and in a manner that minimizes litter, safety hazards and fire hazards.
- C. **Location of Containers.** Detachable Containers for the storage and collection of Municipal Waste, Recyclables and Leaf Waste at commercial, industrial, or institutional properties shall be located on the customer's premises, which location, and buffering, if required, shall be in compliance with zoning or other applicable municipal requirements for the location of such Containers. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys, or entrances and exits of public or private buildings.
- D. **Collection.** All owners and occupants of commercial, industrial and institutional properties shall provide for the regular collection and removal of Municipal Waste, Recyclables and Leaf Waste from the property through a contract with a Licensed Hauler.
- E. **Containers.** All property owners and/or organizers of community activities shall provide containers for the storage and collection of municipal waste and make proper arrangements for such collection.

**§204. Recyclables**

- A. **Separation of Recyclables.** Recyclables shall be kept separate from and disposed of separately from Municipal Waste and Leaf Waste.
  - 1. **Commercial, Industrial Institutional Property:** A non-occupant owner, or agent of an owner, of a commercial, industrial or institutional property shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property for the separation of Recyclables from Municipal Waste and transportation to a Recycling Facility.
  - 2. **Community Activities:** All property owners and/or organizers of community activities shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property/event for the separation of Recyclables and provides for its collection and transportation to a Recycling Facility.
  - 3. **Residential:** Residential properties shall be deemed to have complied with their separation responsibilities by excluding Recyclables from their

Municipal Waste and placing them at the appropriate location for collection.

**B. Collection.**

1. For residential properties, all Recyclables shall be placed at the Curbside as specifically provided herein.
2. For commercial, industrial and institutional properties, all Recyclables shall either be delivered directly to a recycling center or shall be collected by a Licensed Hauler separately from Municipal Waste on a regular basis. The County's Big Blue Bin drop-off program is not a recycling facility. Such properties shall not place Recyclables at the curbside for collection; such curbside collection being intended solely for the placement of Recyclables generated in residential properties.
3. All property owners and/or organizers of community activities shall provide containers for the storage and collection of recyclable materials and make property arrangements for such collection.
4. All licensed haulers shall transport collected recyclables to a Recycling Facility and Recyclables shall not be commingled, during collection or otherwise, with Municipal Waste or Leaf Waste.

- C. Donation of Materials.** Any person may deliver, donate or sell Recyclables to individuals or organizations prior to placement at Curbside.

**§205. Leaf Waste**

- A. **Separation.** All residential customers and commercial, industrial, or institutional establishments who gather leaf waste shall separate all leaf waste from municipal solid waste and recyclables and place it for collection and/or transport to an appropriately permitted composting facility.
- B. **Use of Compost.** Nothing in this Ordinance shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other agricultural, horticulture, silviculture, gardening and/or landscape purposes.
- C. **Commercial Landscaping.** Nothing contained herein shall prohibit a commercial landscaping company from removing leaf waste, for the purpose of composting, from the properties which it services.
- D. **Residential Leaf Waste.** All separated Leaf Waste generated by residential properties subject to curbside collection shall be placed as specifically provided herein.
- E. **Residential Curbside Collection of Leaves:** For residential properties leaves collection shall occur seasonally, once in the spring and once in the fall. Exact dates and times for collection will be determined by the Township each year.

- F. **Residential Drop-off Collection of Leaf Waste:** Residents who gather leaf waste may transport it to the Township's drop-off collection site. Exact dates and times of operation and the preparation of and types of materials that will be accepted shall be determined by the Township.

#### §206. Authorization of Collectors

- A. **Licensed Haulers.** It shall be unlawful for any person other than persons authorized by license by the Commonwealth of Pennsylvania and registered with Shenango Township, or its designee, as a regular hauling business, to collect and/or transport Municipal Waste, and Recyclables, which is generated within the Township, except as specifically provided herein.
- B. **Registration with the Township.** A person who has obtained a license from the Commonwealth of Pennsylvania under the Waste Transportation Safety Act (Pennsylvania Act 90) authorizing said person to collect, transport, and or dispose of municipal solid waste, and bulk waste from residential, commercial, industrial, and institutional establishments must register his intent to operate within Shenango Township to be considered a Licensed Hauler. Such persons must complete and submit forms developed by the Township and present documentation of such authorization to the Manager of Shenango Township or his designee. A person that is not required to obtain a license issued under the Waste Transportation Safety Act (Pennsylvania Act 90) and/or a person that collects, transports, and or processes only source-separated recyclables from residential, commercial, industrial, and institutional establishments must register his intent to operate within Shenango Township to be considered a Licensed Hauler. Such persons must complete and submit forms developed by the Township to the Board of Supervisors of Shenango Township or its designee.
- C. **Exclusive Contract with Township.** The Township may authorize a designated agent to award and administer an exclusive contract for the collection and transportation of such material. The Township or its designated agent may, through a competitive bidding process, award an exclusive service contract to a Licensed Hauler for all or part of residential Municipal Waste, Leaf Waste, Recycling collection, processing and disposal.
- D. **Commercial Recycling Services.** All Licensed Haulers must include recycling as part of the municipal waste collection services provided to each commercial or multi family dwelling location to the extent required by this ordinance.
- E. **Reporting.** On or before January 30<sup>th</sup> of each year, all Licensed Haulers shall submit a report to the Township, on forms developed by the Pennsylvania Department of Environmental Protection, which documents the weight or volume of materials that the Licensed Hauler collected for recycling within Shenango Township.

#### §207. Collection by Unauthorized Persons

- A. **Licensed Hauler.** Except as specifically provided herein, it shall be a violation of the Ordinance for any person(s) other than a Licensed Hauler to collect, remove or transport or cause to be collected, removed or transported any Municipal Waste, Recyclables and Leaf Waste. Each such collection in violation hereof shall

constitute a separate and distinct offense punishable as provided for in this Ordinance.

- B. **Property of Township.** Any Municipal Waste, Recyclable and Leaf Waste located at the curbside is the property of the Township until collected by the Township's Contractor and/or the Township.
- C. **Drop-off or Storage Bins.** Any Recyclable deposited at drop-off sites, or in storage bins associated with residential dwellings, is the property of the Township until collected by the Township or by the Township's Contractor.
- D. **Non-residential Storage Bins or Detachable Containers.** Any Municipal Waste, Recyclables and Yard Waste deposited in storage bins or Detachable Containers at commercial, municipal, industrial and institutional establishments is the property of the establishment unless such establishment agrees that ownership is transferred to the licensed hauler when the material is collected.
- E. **Lawrence County Containers.** Recyclable material deposited in containers owned or contracted by the Lawrence County Recycling/ Solid Waste Department is the property of the County.
- F. **Scavenging.** Scavenging or pilfering of Municipal Waste, Recyclables or Leaf Waste shall constitute a violation of this Ordinance.

**§208. Transportation of Municipal Solid Waste, Recyclables or Leaf Waste**

- A. **Spillage.** Any person transporting Municipal Waste, Recyclables or Leaf Waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such material.
- B. **Vehicle Markings.** The Licensed Haulers shall collect refuse in vehicles which are suitable for such collection, which are dedicated for use in performance of such collection, and which bear prominent legible marking, signs, or decals identifying them as being municipal solid waste collection vehicles, and stating the name and phone number of the licensed hauler.
- C. **Vehicle Conditions.** All vehicles used for the transportation of Municipal Waste, Recyclables and/or Leaf Waste shall be securely covered, watertight, strongly built, and kept thoroughly cleaned and well maintained. Except for roll-offs, which must be tarped, open trucks shall not be used for the collection of Municipal Waste.
- D. **Vehicle Transfers.** The transfer of Municipal Waste, Recyclables and/or Leaf Waste from one collection vehicle to another may not take place within the Township, except as authorized on private property. No such transfer may take place on any public right-of-way and no such transfer operation shall block traffic, create litter or in any other manner constitute a nuisance create a health hazard or violate any other ordinance of the Township or provision of statutory law.

**§209. Disposal of Municipal Waste**

All Municipal Waste generated, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at the facilities designated in the Lawrence County Solid Waste Management Plan.

**§210. Unlawful Disposition of Municipal Waste**

It shall be unlawful for any person to bring any Municipal Waste into Shenango Township or to transport Municipal Waste from one address to another within or outside of the Township for the purpose of taking advantage of the Township's collection service and/or to avoid the cost of collection, except as specifically provided herein.

**§211. Bulk Waste and White Goods**

- A. **Transportation and Disposal** - Bulk waste and White Goods shall be disposed of in accordance with the Lawrence County Municipal Solid Waste Management Plan at a permitted disposal facility, a facility specially designated by the Township to take such bulk items and white goods, or a legitimate salvage dealer that is in the business of disposing of or recycling such items. Bulk waste and White goods shall be transported in a vehicle appropriate to the type of waste so as to prevent spillage, accidental loss, etc.
- B. **Non-Solid Waste Business Related Transportation** - Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his/her bulk waste to a State permitted disposal facility or to a disposal facility as designated by the Lawrence County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility.

**§212. Construction and Demolition Waste**

All waste materials resulting from the building, structural alteration, repair, construction, or demolition of buildings or structures shall be disposed of only as permitted by applicable Township, State, and Federal laws and regulations as may be in effect or as subsequently imposed. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations.

**§213. Dumping/Litter**

It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of any municipal solid waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage and collection in conformance with this Ordinance. It shall be unlawful for any person to dump or deposit any municipal solid waste or recyclables in any stream or body of water within the Township.

**§214. Exclusions**

- A. **Farming.** Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure or other



farm produced agricultural waste, not otherwise prohibited or regulated for land applications. All such practices must be conducted in compliance with applicable Township, State, and Federal laws and regulations.

- B. **Hazardous/Residual Waste.** The provisions of this ordinance apply only to the storage, collection, transportation, and disposal of Municipal Waste, Recyclables, and Yard Waste and do not apply therefore, to Hazardous or Residual Waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All Hazardous or Residual Waste must be disposed of in compliance with applicable Township, State, and Federal laws and regulations as may be in effect or subsequently imposed.
- C. **Construction/Demolition Waste.** Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting Municipal Waste from hauling his/her self generated construction and demolition waste to a State permitted disposal facility or to a disposal facility as designated by the Lawrence County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility.
- D. **Exclusion of Residential Unit.** Residential property owners may be excluded from the curbside collection requirements of this Ordinance to the extent the property owner can demonstrate that they have collection and disposal services available through a written agreement with a commercial, industrial or institutional property that maintains a contract for services with a Licensed Hauler that otherwise complies with Township Ordinances. Such residential property owner shall apply for exclusion under this provision on a form provided by the Township that certifies compliance with the provision for exclusion. Such residential property owners shall remain responsible for compliance with all other provisions of this Ordinance. Residents who are occupants of a Farm property shall be automatically excluded from the curbside collection requirement of this Ordinance, however, *such* residents shall comply with all other provisions of this Ordinance.
- E. **Placement of Garbage and Recyclables for Residential Units on Private Roadways.** Residential properties located along private roadways shall remain responsible for compliance with all provisions of this Ordinance, including, but not limited to, the recycling provisions. Residential properties located along private roadways shall place Garbage and Recyclables at the Curbside of the nearest public roadway. Such residential properties may be excluded from this requirement if the owners of the residential properties sign waivers provided by the Township to allow the Township's exclusive Contractor to traverse the private street for the purpose of collecting Garbage and Recyclables.
- F. **Placement Exemptions.**
  - 1. The Township may grant exceptions to the placement of Municipal Waste, Recyclables and Yard Waste at the curbside to residences occupied solely by persons with physical limitations. For the purpose of this subsection, "physical limitation" means any illness, injury, incapacity or other physical handicap which prevents the person from placing municipal waste at the curb.

2. The Township may grant exceptions to the placement of Municipal Waste, Recyclables and Yard Waste at the curbside when the Township has determined it is not physically possible to place those items at the curbside, at such time the Township will identify the alternative placement location.
3. Residential property owners, who do not fit within subparagraphs 1. or 2. above, may request backyard collection service of Municipal Waste only. Such backyard collection service shall be limited to One (1) cart or Two (2) Thirty-two (32) gallon bags. An additional fee shall be charged for such backyard collection service.

### PART 3 SERVICE FEES AND BILLING

#### §301. Residential

A. **Mandatory Participation:** Unless otherwise exempted under this Ordinance, every owner and/or occupant of developed residential property, except multi-family dwelling units of five or more not individually owned, within the Township shall pay a base collection rate for garbage, recyclables, and yard waste collection services to the Township in an amount and in the manner as determined by Resolution.

1. Each Residential Dwelling Unit shall pay a variable disposal rate, in addition to the base collection rate, based on the volume and number of carts. The Township shall establish fees for Municipal Waste Disposal Tags for tagged bags, bulk items or white goods placed at the curb for collection.
2. Each Residential Dwelling Unit may place an unlimited amount of recyclables in carts, or leaf waste in composting bags, at the curb, for no additional disposal charge.
3. Provisions for temporarily unoccupied properties may be established by the Township.
4. All bills for Municipal Waste services will be rendered prior to the service period.
5. All bills shall be due and payable upon the date of presentation and, if not paid within (thirty-five) 35 days after that date, a penalty of (ten) 10% shall be added to such bills. Acceptance or remittance of bills on the last day of this 35-day period shall be determined as evidenced by the postmark of the United States Postal Service.

B. **Discontinuance of Service :** The Township or its Contractor may discontinue service for non-payment of service fees by an owner of property, or a person occupying a residential dwelling unit, or premises.

1. To discontinue residential service, the Dwelling Unit owner/occupant shall be in arrears from the billing date a minimum of ninety (90) days. The Township shall send two (2) written notices regarding the amount due and procedures for

payment. The notices shall be sent by through the United States Postal Service.

2. After a bill has become delinquent, a delinquent notice shall be mailed to the owner and/or occupant of a Dwelling Unit demanding payment and stating that failure to pay the delinquent bill shall result in the discontinuance of service.
3. If the bill remains unpaid after (fourteen) 14 days from date of delinquent notice, a discontinuance of service notice shall be sent to the owner and/or occupant of the Dwelling Unit through the United States Postal Service. The termination notice shall contain the following information:
  - a. The date on which the notice is rendered;
  - b. The date on which service will be discontinued, which date shall not be earlier than (ten) 10 days after the date of such notice;
  - c. If the owner/occupant of the Dwelling Unit wishes to protest or otherwise challenge the charges or the discontinuation of service a brief statement that the owner/occupant is entitled to have a conference with the Township Secretary Treasurer or his designee, before service is terminated by writing or telephoning the Township.
  - d. The address and telephone number of the Township.
  - e. Notice that any payments received by the Township for the specific property receiving the Delinquent Notice must be in cash, certified check, or money order.
4. If the owner/occupant of a Dwelling Unit fails to pay the delinquent bill within the time specified in the discontinuation of service notice and unless the dispute is resolved as a consequence of the protest procedure, the Township shall discontinue municipal waste collection service to that Dwelling Unit.
5. Notwithstanding the foregoing provisions, nothing contained herein shall result in the denial of solid waste service to any lessee of a property because of a previous lessee's failure to pay charges for solid waste service.
6. If service is discontinued, it will not be restored until all unpaid bills and charges including the restoration of service charges, as determined from time to time by Resolution of the Board of Supervisors, or satisfactory arrangements are made for payment.
7. At the time of the discontinuance of service, the owner/occupant of the said Dwelling Unit shall be considered in violation of this Ordinance.
8. Discontinuance of service due to non-payment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this Ordinance.

C. Charges to be Established by Resolution: All service fees for the collection of

Municipal Waste by the Township shall be established from time to time by Resolution of the Board of Supervisors. Service charges shall be established to insure that all costs involved in the collection and disposal of municipal solid waste, including the administrative costs of the Township are covered by the service charges.

**§302. Commercial, Industrial, Institutional Properties and Community Activities**

**A. Mandatory Participation** - It shall be the duty and responsibility of every owner of property, every place of business within the Township, and the organizer of any community activities where Municipal Waste is produced and is accumulated to contract with a Licensed Hauler for Garbage, Recyclables, and Leaf Waste collection services to the extent provided by this Ordinance.

**B. Commercial, Industrial and Institutional Establishments** - Commercial, industrial, and institutional establishments shall submit annually, on forms provided by the Township, a report to the Township or its designated agent which contains the following information concerning compliance to the Recycling Requirements of this Ordinance:

1. Commercial/ Industrial or Institutional name, address, telephone number, contact person and owner's name.
2. Company name, address, telephone number, and contact person for entity providing the recycling service.
3. Description of materials recycled, frequency of collection, method of storage and end market.
4. Weigh slips or other certification which show by weight and type of material recycled. If weigh slips are not used, the form of certification requires the prior approval of the Township.
5. Form of certification to assure proper processing/marketing of recyclable materials.
6. Other information as may be required by the Township agent which may be required to assure the proper disposition of recyclable materials.
7. A copy of the current service agreement for the collection, transport and processing of recyclable materials.
8. Required information is due within Thirty (30) days of the end of the reporting period, which is the end of the calendar year.

**§303. Exclusions**

Nothing contained herein shall prohibit a commercial establishment from processing and marketing its own recyclables. Such establishments must still comply with the provisions of Section 302 B.

## PART 4

### ENFORCEMENT AND ADMINISTRATION

#### §401. Enforcement and Administration

The Township Secretary Treasurer, or his designee, shall enforce and administer the provisions of this Ordinance.

## PART 5 PENALTIES

#### §501. Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction by a district magistrate, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) together with the cost of prosecution, or imprisonment in the Lawrence County Prison 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 each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.

#### §502. Other Remedies

A. Removal of Accumulation of Solid Waste - In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of Municipal Waste and should said person fail to remove such municipal solid waste after five (5) days following written notice, the Township may cause the solid waste to be collected and disposed of with the cost for such action to be charged to the owner or occupant of the property.

B. Separate Offenses - Nothing contained in this Article shall affect, in any way, the provisions of this Ordinance regarding separate offenses for every day any violation occurs.

## PART 6 SEVERABILITY AND AMENDMENTS

#### §601. Severability

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.

§602. Amendments

This ordinance or any part thereof may be amended from time to time in accordance with the procedures as established by law.

§603. Applicability

This Ordinance shall be subject to all applicable federal, state, and municipal laws and ordinances as well as rules and regulations as set forth by the Department of Environmental Protection, Commonwealth of Pennsylvania.

§604. Effective Date

This Ordinance shall become effective on June 21, 2010 with the provisions for curbside collection at residential properties effective September 1, 2010.

§605 Repealer

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

Ordained and enacted this 21st day of June, 2010, BY THE BOARD OF SUPERVISORS of the Township of Shenango.

ATTEST:

SHENANGO TOWNSHIP

Brian D. Tanner  
Township Manager/Secretary

Long W. H.  
Chairman  
Board of Supervisors

Robert K. H. H.

William R. Glat