

SOLID WASTE ORDINANCE  
TOWNSHIP OF MONTGOMERY  
INDIANA COUNTY, PENNSYLVANIA  
ORDINANCE NO. 17

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, (herein "Township") INDIANA COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION OR IMPROPER DISPOSAL OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID MUNICIPALITY; REQUIRING THAT ALL GARBAGE, RUBBISH, AND OTHER REFUSE BE CONVEYED TO MUNICIPAL WASTE TRANSPORTATION, PROCESSING AND/OR DISPOSAL FACILITIES DESIGNATED BY THE COUNTY; REGULATING THE STORAGE AND REMOVAL OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS; PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners have adopted the 1990 Municipal Waste Management Plan for Indiana County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan has been duly ratified by the municipalities of Indiana County; and

WHEREAS, pursuant to the authority vested to the Municipality by the Pennsylvania Solid Waste Management of 1980 (Act 97) and Act 101, the Township desires to enact an Ordinance regulating the storage, collection, and disposal of rubbish, refuse, and garbage within the Municipality in order to implement such Plan.

NOW, THEREFORE, the Township hereby enacts and ordains as follows:

**SECTION 1 - SHORT TITLE**

This Ordinance shall be known and referred to as the "Municipal Solid Waste Ordinance."

**SECTION 2 - DEFINITIONS**

The following words and phrases as used in this Ordinance shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

**Act 97** – The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

**Act 101** – The Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (SB 528, Act 1988-101, July 28, 1988).

**Authority** – shall mean the Indiana County Solid Waste Authority.

**Collector or Waste Hauler** – shall mean any person, firm, partnership, corporation, or public agency engaged in the collection and/or transportation of municipal waste.

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

**County** – shall mean the Indiana County Board of Commissioners or the County of Indiana.

**County Licensed Collector or Waste Hauler** – shall mean any municipal waste collector or hauler possessing a valid license issued by the County pursuant to this ordinance.

**Department or DER** – shall mean the Pennsylvania Department of Environmental Resources.

**Disposal** – means 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 enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

**Domestic Waste or Household Waste** – means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

**Garbage** – means any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances or odors, gases, or vectors.

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

**Institutional Establishment** – shall mean any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools, and universities.

**Leaf Waste** – shall mean leaves, garden residues, shrubbery, and tree trimmings, and similar material, but not including grass clippings.

**Licensed Collector or Licensed Waste Hauler** – shall mean any municipal waste collector or hauler possessing a current, valid County License issued by the Indiana County Solid Waste Authority pursuant to County Ordinance No. 111391.

**Municipal Waste** – means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial, or institutional water supply treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials or material approved by the PADER for beneficial use.

**Municipality** – shall mean the Township of Montgomery, Indiana County, Pennsylvania.

**Person** – means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, State institution or agency, or any other legal entity recognized by law as the subject of rights and duties. In any provision of this Ordinance prescribing a fine, penalty, imprisonment, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.



**Rubbish** – means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

**Salvaging** – The controlled removal of recycling of material from a solid waste processing or disposal facility.

**Scavenging** – shall mean the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

**Solid Waste** – names any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

**Storage** – means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**Transportation** – means the off-site removal of any municipal waste at any time after generation.

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

### **SECTION 3: PROHIBITED ACTIVITIES**

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Municipality, garbage, rubbish, ~~\*bulky waste~~, or other municipal or residual waste, or to process and/or dispose of any solid waste, including leaf waste, except in accordance with act 97 and Act 101, and all Department Rules and Regulations adopted pursuant thereto.
2. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Municipality without a current, valid license to do so issued by the Indiana County Solid Waste Authority, except for an individual transporting municipal waste generated on their own private residence or property to a County designated processing or disposal facility.
3. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Municipality without prior written approval from the Municipality.
4. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Municipality except at an approved and permitted resource recovery facility or municipal waste management facility under any applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

*\* delete as per solicitor's instructions*

#### **SECTION 4: STANDARDS FOR STORAGE OF SOLID WASTE**

1. Storage of all solid waste shall be in containers which prevent the attraction, harborage or breeding of insects or rodents, which are or may become harmful to public health, and which prevent the creation of safety hazards, odors, unsightliness or public nuisances and shall comply with the minimum standards for the storage of municipal waste as set forth in the Department's regulations.
2. Any person producing solid waste shall provide a sufficient number of containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

#### **SECTION 5: STANDARDS AND REGULATIONS FOR COLLECTION**

1. All households and homeowners shall utilize the services of a Licensed Hauler of their choice for disposal of their domestic waste or household waste, unless they can demonstrate that the waste is properly disposed in a manner consistent with this Ordinance and applicable Department rules and regulations.
2. All Licensed Waste Haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Regulations.
3. All municipal waste collected within the Municipality shall only be conveyed or transported to a transfer station, processing facility, and/or disposal site designated by the Indiana County Solid Waste Authority pursuant to the approved Municipal Waste Management Plan for Indiana County.

#### **SECTION 6: LICENSING REQUIREMENTS**

1. No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Municipality without first obtaining a license from the Indiana County Solid Waste Authority pursuant to the requirements of County Ordinance No. 111391.

#### **SECTION 7: INJUNCTION POWERS**

The Municipality may petition the Court of Common Pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

#### **SECTION 8: PENALTIES**

Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not more than \$600.00, or in default of payment of such fine, then by imprisonment for a period of not more than 30 days, or both. Each day of violation shall be considered a separate and distinct offense.

**SECTION 9: SEPARABILITY**

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

**SECTION 10: CONFLICT**

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

**SECTION 11: EFFECTIVE DATE**

This Ordinance shall take effect on July 1, 1992.

ENACTED AND ORDAINED into an Ordinance this the 6<sup>th</sup> day of May, 1992.

Township of Montgomery

By:

Joseph A. Burda  
William J. Burda

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Board of Supervisors

ATTEST:

Virginia Dudek  
Township Secretary

(Municipal Seal)

Approved this 6<sup>th</sup> day of May, 1992.