

WESTFALL TOWNSHIP
ORDINANCE NO. 80-1
MUNICIPAL WASTE MANAGEMENT ORDINANCE OF 1992
AN ORDINANCE OF THE TOWNSHIP OF WESTFALL
PIKE COUNTY, PENNSYLVANIA

**AN ORDINANCE PROHIBITING THE DISPOSAL AND ACCUMULATION OF
REGULATED MUNICIPAL WASTE, UPON PRIVATE OR PUBLIC PROPERTY IN
WESTFALL TOWNSHIP, REGULATING THE CARE AND REMOVAL OF REGULATED
MUNICIPAL WASTE, EXCLUSIVELY BY AUTHORIZED COLLECTORS,
PROVIDING FOR THE LICENSING OF AUTHORIZED COLLECTORS,
REGULATING THE DISPOSAL OF REGULATED MUNICIPAL WASTE AND
PRESCRIBING PENALTIES FOR VIOLATION**

WHEREAS, Westfall Township, is a Second-Class township organized and existing under the laws of the Commonwealth of Pennsylvania including, but not limited to, the second-class Township Code (53 P.S. 65708, as amended); and

WHEREAS, the Board of County Commissioners have adopted an approved Municipal Waste Management Plan for Pike 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 the County; and

WHEREAS, Section 304 of Act 101 provides that all municipalities are responsible for the proper and adequate collection, transportation, and storage of municipal waste; and

NOW, THEREFORE, be **ORDAINED AND ENACTED** by the Township of Westfall, Pike County, Pennsylvania, as follows:

SECTION 1.00 SHORT TITLE:

This ordinance shall be known and shall be cited as the Municipal Waste Management Ordinance of 1992.

SECTION 2.00 DECLARATION OF POLICY:

It is hereby declared the purpose of this ordinance is to coordinate and to regulate the storage, collection, transportation, processing, and disposal of all Municipal Waste as herein defined to protect the public safety, health and welfare of the residents of Westfall Township, hereinafter referred to as "the Township".

SECTION 3.00 DEFINITIONS:

For the purpose of this Ordinance, the following words

and phrases shall have the meaning described to them herein, unless the context clearly indicates a different meaning:

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

Act 101 - Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988 (SB 528, Act 1988 - 101, July 28, 1989)

Authorized collector - A person, individual, partnership, or corporation or employee or agent thereof authorized to collect municipal waste from residential, commercial and institutional properties as herein defined. In the event of municipal collection, this definition shall include the governing body and employees thereof.

Approved container: A rigid plastic, wood or metal container with a secure and tight fitting cover or lid, constructed in such a manner and capable of avoiding leakage or spillage of the contents thereof and being impermeable to insects. Each such container shall have a minimum capacity of five (5) gallons and a maximum capacity of forty (40) gallons.

Bulky waste: Are large items of refuse including, but not limited to, small appliances, large auto parts, furniture and large trees and branches which require collection in other than conventional compactor refuse collection vehicles. This term does not include white goods.

Burning: Any process which involves the use of an open flame of intense heat including, but not limited to, open fires, contained fires, manufacturing and commercial processes involving burning, and incinerators.

Collector: The person, firm, agency, or public body or employee or agent thereof who is engaged in the collection of and/or transportation of municipal waste.

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

Construction and Demolition Waste: A portion of the Regulated Municipal Waste resulting from the construction or demolition of buildings and other structures, including wood, plaster, drywall and wall board, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste, and street sweepings. The term does not include the following if they are separate from other Waste and used as Clean Fill:

- Uncontaminated soil, rock, stone, gravel, unused brick, unused block and concrete.

- Waste from land clearing and excavation, including trees, brush, stumps and vegetative material.

- Food Waste (See Garbage).

Contaminated Soil: A waste consisting of hydrocarbon contaminated earth or fill, typically generated due to a spill or leak. Contaminated Soil is a Special Handling Waste.

County: The County of Pike or its authorized agents.

County Licensed Waste Hauler: Any Municipal Waste collector or hauler possessing a current County License issued pursuant to the "Pike County Municipal Waste Management Ordinance" of January 1, 1991.

Department of DER: The Pennsylvania Department of Environmental Resources of the Commonwealth, and its authorized representatives.

Detachable container or Mechanical bin: Any container which may be mechanically lifted and emptied into the collection vehicle.

Farm Property: A parcel or parcels of land devoted to agriculture; either to raising crops, livestock, poultry or pasture.

Garbage: (Food Waste) - any 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.

Generator: A person who produces or creates any Municipal Waste.

Hauler: Any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of Municipal Waste. For purposes of this Ordinance, the term "Hauler" shall not include the following:

1. Any residential property occupant not regularly engaged in the business of collection and/or transportation of Municipal Waste, provided that such occupant collects and/or transports his or her own Municipal Waste on an irregular and unscheduled basis to a DER permitted disposal facility; and

2. Any farmer carrying out the normal activities of his or her farming operation, including composting and spreading of manure or other farm produced agricultural waste.

Hazardous Waste: Garbage, refuse, or sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population.

Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (a) solid or dissolved material in domestic sewage, (b) solid or dissolved materials in irrigation return flows, (c) industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. & 1342)

Infectious/Chemotherapeutic Waste: A portion of the Municipal Waste stream which, unless processed, disposed, stored, collected or transported in accordance with DER Regulations, is or may be contaminated by disease producing microorganisms or material, or may harm or threaten human health.

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

Plan: Shall be referred to the November 27, 1990 Pike County Municipal Waste Management Plan.

Processed Infectious/Pathological Waste: A portion of Waste stream consisting of Infectious/Pathological Waste which has been rendered non-infectious by sterilization, incineration or other equally effective processing technique.

Putrescible Waste: Is a portion of the Regulated Municipal Waste stream consisting of organic waste materials which due to biological decomposition are, or have a tendency to be, rotten, foul, or odorous, including dead animals and spoiled food but not including Sludge.

Regulated Municipal Waste: Any Municipal Waste generated or collected within Westfall Township, which is garbage, refuse, commercial and/or 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 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. This term does not include Source Separated Recyclable Materials or Unacceptable Waste.

Residential Property: Are properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple dwelling residential units containing more than four dwelling units, for purposes of this Ordinance, shall be treated as commercial properties.

Residual Waste: Any garbage, refuse, other discarded material or other Waste, including solid, liquid, semisolid or contained gaseous materials resulting from commercial, industrial, mining and agriculture 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.

Rubbish: Leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, and all solid combustible manner not included in the definition of "garbage".

Salvage operation: 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.

Satellite truck: For purposes of this Ordinance a satellite truck shall not be permitted to transfer waste to a larger vehicle for transport unless at such a site that has received authorization from the Township.

Scavenging: The uncontrolled or unauthorized removal of any material stored or placed at a point for subsequent collection by an Authorized Collector.

Solid Waste or Waste: Being 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. Liquids, semi-solids, and controlled gaseous materials are hereby defined as solid waste. It shall include sewage and septage not meeting the definition of residual or hazardous waste in the Solid Waste Management Act. Other significant pollutants in water resources, such as silt, dissolved or suspended solids, industrial waste water 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.

White Goods: A portion of Regulated Municipal Waste consisting of large appliances. (i.e. weighing more than fifty pounds) includes but is not limited to the following:

Air conditioners, Clothes Washing and
Drying Machines, Dish Washers, Furnaces,
Electrical Heaters, Hot Water Heaters,
Refrigerators and Freezers, Stoves and
Ovens.

Yard Waste: Prunings, grass clippings, weeds, leaves, and general yard and garden wastes.

SECTION 4.00 RESPONSIBILITY

The Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania and/or its assignee shall be responsible to assure the proper and adequate transportation, collection and storage of Municipal Waste within the political jurisdiction of the said Municipality.

SECTION 5.00 POWERS AND DUTIES OF RESPONSIBLE PERSON(S):

5.01 The Board of Supervisors, and/or its assignee, shall be responsible for the preparation of all necessary plans for municipal waste management and shall coordinate these plans with other local, county, state and federal agencies. These plans shall address the collection, storage and transportation of all municipal waste materials. In accordance with all the pertinent statutes, rules and regulations of the Commonwealth of Pennsylvania, and the County of Pike, the Board of Supervisors or its assignee shall:

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

facilities approved by the county.

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

3. Enforce such local rules and regulations as are necessary to implement and carry out the intent of this Ordinance.

4. Assist in the review of permits required by the Commonwealth for siting and operation of transfer, processing and/or material collection facilities.

5. Enforce this Ordinance by issuing warning notices and initiation proceedings against violators of this Ordinance and its appurtenant rules and regulations.

SECTION 6.00 DUTY OF OWNERS AND OCCUPIERS OF PROPERTY NOT TO ACCUMULATE MUNICIPAL WASTE:

6.01 All owners and occupiers of property within the Township shall provide for the regular preparation, collection and removal of all municipal waste generated at such properties in one of the approved manners set forth herein.

6.02 No person shall permit any municipal waste to accumulate for a period of longer than seven (7) days upon property owned or occupied by said person in the Municipality, unless in accordance with Section 9.03(5).

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

6.04 All municipal waste accumulated on any residential property in the Municipality shall be collected, conveyed and disposed of by the Municipality or by an Authorized Collector.

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

6.06 Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources, and the County of Pike, provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste as required by this section and provided

that such is not in violation of any county or other municipal law or regulation.

6.07 Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural waste, provided such activities are conducted in accordance with all applicable State and local laws, rules and regulations.

SECTION 7.00 UNLAWFUL MUNICIPAL WASTE ACTIVITIES:

7.01 It shall be unlawful to keep, or allow in or about any dwelling, or upon any land or other premises within the Municipality, municipal 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.

7.02 It shall be unlawful to accumulate any municipal waste so as to constitute a menace to public health and safety. Municipal Waste shall not be allowed to accumulate for more than seven (7) days that have elapsed after such municipal waste is originally generated, accumulated, or permitted to accumulate; and nothing herein contained shall be construed to permit the retention of any municipal waste which is, or becomes obnoxious or offensive by reason of dust or odor, unless in accordance with Section 9:03(5) hereof.

7.03 All hazardous waste, including but not limited to municipal waste of a highly flammable or explosive nature, or highly infectious or contagious municipal waste, shall not be stored for ordinary collection.

SECTION 8.00 STANDARDS AND REGULATIONS FOR STORAGE PRIOR TO COLLECTION:

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

8.02 Bulk containers (Dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the Authorized Collector which will enable clear and easy access to the container by the collectors vehicle. The said container shall have the business name and number of the owner of the container.

1. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located.

8.03 Garbage and rubbish shall be stored in an approved container which shall have a tight fitting cover or lid, have suitable handles, be water tight and insect proof, and be able to be carried easily by the Authorized Collector.

8.04 All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags, or other appropriate membrane as to avoid leakage. Before being placed in the waste storage containers described above, all ashes shall be free of any burning material before being deposited for collection.

8.05 The Municipality specifically reserves the right to provide for a receptacle for the handling of municipal waste which the governing body may deem by resolution to be acceptable, appropriate, and beneficial for handling of said material.

8.06 Notwithstanding provisions of this Ordinance, residential property owners, commercial establishments, or other persons may, by mutual agreement with the Authorized Collectors, be permitted to place containers at a location on their property other than as specifically set forth in this Ordinance.

SECTION 9.00 STANDARDS AND REGULATIONS FOR COLLECTION:

9.01 The Municipality shall license Authorized Collectors to contract with property owners, residents, tenants and others for the collection of municipal waste acceptable for collection. The Township reserves the right to provide the service should it be decided by resolution or Ordinance to do so.

9.02 The Authorized Collector shall provide service to all who desire service and have paid the required fees.

9.03 Collection Requirements:

1. All household municipal 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 Authorized Collector. All institutional, commercial, and industrial municipal waste shall be collected as often as required by generated volumes and environmental problems.

2. Collections shall be made from all properties throughout the Municipality. 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 governing body if the condition of the street would prevent access thereto by the Authorized Collector Vehicles.

3. Municipal Waste collection in developments shall only occur after the specific written authorization for such use of the roads is given by the owner or owners thereof, or by their legal representative such as a property owners association. The Township and the Authorized Collector reserves the right to refuse to enter upon any private or development road that, in the sole discretion of the Board of Supervisors, is not passable or not adequately maintained for this use. In the event that the said road is deemed unpassable, municipal waste must be placed by the property owners at a designated location established by the Supervisors and the association at a location within the same development authorized by the membership thereof. No municipal waste shall be placed for collection earlier than 12:00 noon of the day prior to a scheduled collection date. The owner of any property that generates more municipal waste than the amount set by the Board of Supervisors and the association thereof, shall make arrangements with the licensed Authorized Collector for the proper removal of the said refuse.

4. The Authorized Collector shall establish and distribute a regular collection schedule. If a collection day falls on a holiday, the Authorized Collector shall notify all customers when collection will be made.

5. In the event that the weather makes it impossible to operate in a manner consistent with this Ordinance, collection must be halted. Collections shall resume on the next business day; provided the weather conditions have improved.

6. All vehicles shall be cleaned at sufficient frequency to prevent odors, nuisance or insect breeding.

9.04 Frequency of Collections:

1. Collection Schedule and Routes: The Authorized Collector shall collect municipal waste as defined herein, through the Municipality on routes and schedules developed and mutually agreed upon by the Board of Supervisors and its designated Agent and the Authorized Collector and may be modified as necessary and as agreed upon by the governing body or designee and the Authorized Collector.

2. Hours: Collections shall be made at those hours mutually agreed upon between the Authorized Collector and the governing body. The hours agreed upon shall be so indicated within the collection contracts or licenses.

SECTION 10.00 STANDARDS FOR COLLECTION VEHICLES, EQUIPMENT AND PERSONNEL:

10.01 All trucks and other vehicles used for the collection and transportation of Municipal Waste must comply with the requirements of Act 97 and Act 101 and Pennsylvania DER Regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste, as the same may from time to time be amended.

10.02 All vehicles used for collection of municipal waste shall be equipped with compacting devices or similar equipment, shall have closed bodies with enclosed cargo waste space provided, however, that a private individual transporting municipal waste from private property owned or occupied by such individual need not comply with the foregoing, provided that said private individual transports any such municipal waste in approved containers and complies with all other laws, ordinances, regulations or rules affecting the transportation of municipal waste. Provided, in the opinion of the Board of Supervisors or their designated Agent, such owners will secure the municipal waste cargo and providing that such covers are approved for use by the Commonwealth of Pennsylvania.

10.03 It shall be unlawful to collect, haul, transport, or convey municipal waste in open, unenclosed vehicles, unless such municipal waste is hauled from private property by the owner; except that open type vehicles may be used only for the collection of large items of debris, which cannot because of size, be collected by ordinary means, in accordance with the provisions set forth in Section 11.00.

10.04 All collection vehicles conveying Municipal Waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and specify the type of waste transported by the vehicle as "Municipal Waste". All such signs shall have lettering which is at least SIX (6) inches in height as required by Act 101.

10.05 Vehicles and equipment shall not be overlooked so that municipal waste 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.

10.06 Each vehicle shall, have at least one broom and shovel to clean up municipal waste that may be spilled or otherwise scattered during the process of collection. Any

such waste spilled or scattered during the process of collection shall be immediately cleaned up and disposed of in accordance with the provisions of this Ordinance.

10.07 All collection vehicles conveying Municipal Waste shall be operated and maintained in a manner that will prevent creation of a nuisance or hazard to public health, safety and welfare.

10.08 Licensees shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of municipal waste under the terms of this Ordinance.

10.09 The Authorized Collector, at his expense, shall store and park the equipment in a lawful place. No trucks or equipment may be parked or stored on any street within the Municipality, except during actual collection periods, or emergency situations. In such emergencies, the person designated by the Township shall be notified and the vehicles or equipment shall be removed within twenty-four (24) hours unless granted an extension.

SECTION 11.00 LICENSES REGULATIONS & STATUTES:

11.01 No person shall collect, remove, haul or convey any municipal waste through or upon any of the streets or alleys of the Municipality, or dispose of the same in a manner or place without obtaining a license from the governing body. Such a license shall not be required of private owners collecting and removing their own privately generated refuse by approved containers and/or vehicles to a DER and County approved disposal, processing facility and/or to an authorized recycling center.

11.02 All persons, entities, bodies, corporations and companies shall comply with other applicable provisions of this Ordinance, and/or any ordinance(s) set forth by the County of Pike and with applicable state and federal laws, statutes and regulation.

11.03 Any Authorized Collector who desires to collect, haul or transport Municipal Waste within the political jurisdiction of the said Township, shall submit a license application and the license application fee to the Municipality or its designated licensing representative. The Municipality shall have a minimum period of thirty (30) calendar days to review any license application and take approval or denial action.

11.04 The Authorized Collector shall assume full responsibility for the removal and ultimate disposal, subject to the applicable provisions of this Ordinance and County Ordinances, of all residential and commercial municipal waste from the Municipality.

11.05 The licensee shall pay all costs charged for the use of any disposal facility(s) that are utilized, designated by the County of Pike and permitted by the Department of Environmental Resources.

11.06 All haulers shall be licensed by the Municipality and designated "Authorized Collector". Providing that the hauler has secured a license from the County of Pike.

11.07 A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

11.08 No license shall be granted if the method of disposal does not conform to the requirements of this Ordinance or to the rules and regulations set forth in the Ordinance of Westfall Township. Such requirements may include, but are not limited to, a provision requiring the collection and transport of recycling materials in accordance with a municipal recycling ordinance.

11.09 Authorized Collectors shall be required to carry liability, Motor Vehicle and workmen's compensation insurance in amounts requested by the Board of Supervisors. The Authorized Collectors shall provide insurance certificates therefor as may by resolution be established.

11.10 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 the Municipality.

11.11 The Authorized Collector shall furnish proof that he is the owner of the vehicle(s) to be used, or he must produce in writing a lease or rental agreement between the title owner of the vehicle(s) and the Authorized Collector.

11.12 The Authorized Collector shall file with the governing body a list of all vehicles and equipment with identification information thereon. Change in equipment shall be reported to the governing body within ten (10) days of such change so that all times their records will be correct and accurate.

11.13 Any Authorized Collector with an existing license

shall submit a new license application and license fee to the municipality within sixty (60) days prior to the expiration date of an existing license, if renewal of the license is desired. New license applicants must submit a license application to the county and municipality and submit the license fee at least thirty (30) days before beginning collecting and transporting Municipal Waste in the Municipality.

11.14 Collectors and Haulers: Simultaneously with the submission of a license application, and with each renewal application, the Applicant shall submit to the Township its then current rates or fees for each category of customer within the Township. All fees or rates shall be reasonable and uniform as amongst class or type of customer. The Board of Supervisors shall have the right to review the rates or charges imposed and, should the same be either unreasonable or un-uniformed, the Township's Board of Supervisors shall have the right to reject and/or deny the license or renewal thereof. All requests for increases in the charges or rates of any authorized contractor shall be in writing, shall state the basis, reason or justification therefor and shall be submitted to the Township's Secretary not less than thirty (30) days prior to the date the requested increase is to take effect. The Board of Supervisors shall act upon the request have increase within said thirty (30) day period. Should they fail to act within said period, the rate increase or charge shall be deemed to have been approved.

SECTION 12.00 HEARINGS:

12.01 In case of violation or failure to comply with the provisions of this section, the Board of Supervisors shall give the licensee an opportunity for a hearing thereon. Any licensee so entitled to a hearing shall have ten (10) days, after notice of his request, given to him pursuant to this section within which to request such a hearing in writing. Failure of the licensee to so request a hearing shall be deemed to constitute an admission of the violation with which he is charged and which forms the basis of the revocation of his license. In case the licensee does request a hearing in accordance with this section, a hearing shall be scheduled before the Board of Supervisors and the licensee and given ten (10) days written notice of the time and place of the hearing at which he may appear and answer the charge.

SECTION 13.00 STANDARDS AND REGULATIONS FOR STORAGE AFTER COLLECTION:

13.01 There shall be no storage of Municipal Solid Waste unless such storage is approved under the provisions of the zoning ordinance of Westfall Township, and in conformance with the rules and regulations set forth by the Department of Environmental Resources. 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 municipal waste longer than twenty-four (24) hours.

SECTION 14.00 STANDARDS AND REGULATIONS FOR PROCESSING AND DISPOSAL:

Pursuant to the authority granted to the County by Act 101, it is hereby directed that all Municipal Waste collected in Westfall Township shall be conveyed by County Licensed Waste Haulers to the Municipal Waste processing or disposal facilities as designated by the rules and regulations adopted by the County of Pike pursuant to the "Pike County Municipal Waste Management Ordinance" of January, 1991.

SECTION 15.00 PROHIBITED ACTIVITIES:

15.01 It shall be unlawful for any person to use, maintain or operate an open dump.

15.02 It shall be unlawful for any person to throw, place, deposit, or cause to permit or be thrown, placed or deposited, any municipal waste in or upon any public or private street, right of way, easement, alley, sidewalk, body of water, or public or private property except as provided in this Ordinance.

15.03 Burning: All burning including, but not limited to, burning associated with any production, manufacturing, salvage or reclamation process, shall be conducted in accordance with all applicable local, state and federal regulations, including but not limited to, the Air Pollution Control Act of the Commonwealth of Pennsylvania, P.L. 2119 and the provisions thereof, as well as the regulations of the Pennsylvania Department of Environmental Resources, as pertaining to said act; and the United States Environmental Protection Agency Regulations.

15.04 It shall be unlawful for an unauthorized collector to collect or remove municipal waste from a household, institution, or commercial enterprise, providing the collector is not removing such municipal waste from his privately owned property, and providing such collector complies with all other provisions of this Ordinance applicable thereto.

SECTION 16.00 REGULATIONS:

The collection of municipal waste in the Township and the disposal thereof shall be subject to such further rules and regulations as may from time to time be promulgated by resolution of the governing body; provided, however, that no

such rules and regulations shall be contrary to the provisions of this Ordinance, the County of Pike Municipal Waste Management Ordinance of January, 1991, and other applicable laws and regulations.

SECTION 17.00 INSPECTION PROCEDURES:

17.01 All containers, vehicles, equipment, transfer stations, are subject to inspection at any reasonable hour and without prior notice by the municipality or its assignee and or any other agent pertaining to the management of solid waste being the County or the Department of Environmental Resources or any other applicable bodies not in place at the time of this ordinance.

17.02 Vehicles and equipment of Authorized Collectors shall be subject to inspection before and during operation in the Township by the municipality or its designated agent.

17.03 All municipal waste storage, transfer, processing, or disposal facilities within the Township shall also be subject to inspection immediately prior to commencement of operation and at least once per year thereafter by the municipality or its agents, in concert with representatives of the Commonwealth.

SECTION 18.00 INSURANCE:

Prior to the operation of any permitted municipal waste storage, transfer, processing or disposal facility within the Township, the applicant shall be required to present evidence of pertinent insurance coverage.

SECTION 19.00 EQUITABLE REMEDIES AND INJUNCTIVE PROCEDURES:

The Township may petition the Court of Common Pleas or any other Court with appropriate jurisdiction, to enforce any of the provisions of this ordinance by equitable or injunctive relief.

SECTION 20.00 VARIANCE:

In the event that a hardship is proven to the Township Board of Supervisors to be severe enough that it prevents strict compliance with this Ordinance, the Supervisors may at their discretion upon application, vary the requirements for collection for a limited period, provided that suitable alternative methods are arranged in advance.

SECTION 21.00 PENALTIES:

21.01 Any person who shall be convicted of violating any of the provisions of this Ordinance before any District Magis-

trate shall be sentenced to pay a fine or penalty not exceeding One Thousand (\$1,000.00) Dollars, together with costs of prosecution, and in default of payment of such fine or penalty, and costs, the violator shall be subject to imprisonment in the Pike County Jail for a term not to exceed thirty (30) days. The continuation of such violation for each successive day, or days, shall constitute a separate offense, and the violator may be punished as provided above for each separate offense. All existing ordinances, or parts of ordinances, inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

21.02 The governing body shall have the right, at any time, and without refund to revoke the license of any Authorized Collector for any of the following causes:

1. False or misleading statements in the application for the license;
2. Lapse or cancellation of insurance coverage;
3. Collection or transporting municipal waste in a manner which is inconsistent with the terms and conditions of this Ordinance;
4. A violation of any part of this Ordinance or any of the Municipal Waste Ordinances of the Township, or any applicable state or county rules and regulations pertaining to Solid Waste occurring with the Township.

SECTION 22.00 SEVERABILITY CLAUSE:

The provisions of this Ordinance are severable, and if any of its sections, clauses or sentences shall be held illegal or 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 23.00 REPEALER CLAUSE:

This Ordinance is intended to repeal such prior ordinances, resolutions and regulations of the Township which are specifically inconsistent herewith.

SECTION 24.00 ENACTMENT:

This Ordinance shall become effective Five (5) days after enactment.

ORDAINED AND ENACTED this 4th day of February, 1992.

Keith H. Peters
Supervisor

John J. Wiers
Supervisor

Arthur A. Magg
Supervisor

Supervisor

Supervisor

ATTEST:

Beverly Quirk