

CHAPTER 20

SOLID WASTE

Part 1

**Regulating the Collection, Storage, Transportation,
Removal, Dumping, Deposit and Disposal of Solid Waste**

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CHAPTER 20

SOLID WASTE

Part 1

**Regulating the Collection, Storage, Transportation,
Removal, Dumping, Deposit and Disposal of Solid Waste**

§101. Title. This Part 1 shall be known as the East Buffalo Township, Union County, Pennsylvania, Municipal Solid Waste Ordinance. (Ordinance 92, March 23, 1987)

§102. Definitions. The following words and phrases, when used in this Part 1, shall have, unless the context clearly indicates otherwise, the following meaning:

COLLECTOR - A person or legal entity that has been licensed by the appropriate government agency to collect, transport and dispose of Municipal Solid Wastes.

DISPOSAL OR DISPOSE - The incineration, depositing, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

DISPOSAL SITE - Any site, facility, location, area or premises to be used for the disposal of municipal wastes.

GARBAGE - All animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

GLASS CONTAINERS - All containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding, however, blue glass, flat glass, plate glass and glass commonly known as window glass.

MUNICIPAL SOLID 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 from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. (Pennsylvania Solid Waste Management Act 97, Section 103)

NEWSPAPER - Shall be deemed to include paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon news and opinions and containing advertisements and other matters of public

interest. Magazines and periodicals as well as all other paper products of any nature are not considered newspaper.

PERSON - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever, which is recognized by law as being subject to such rights and duties.

PROCESSING - Any technology used for the purpose of reducing the volume or bulk of Municipal Solid Waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities, and resource recovery facilities.

RECYCLABLES - Material having an economic value in the secondary materials market and designated as such from time to time by the Board of Supervisors of East Buffalo Township, Union County, Pennsylvania. [Ordinance 142]

REFUSE - The collective term applying to all garbage, rubbish, ashes, leaves, and grass trimmings from residential, municipal, commercial or institutional premises.

SOLID WASTE - Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103)

STORAGE - The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of one (1) year constitutes disposal.

TOWNSHIP - East Buffalo Township, Union County, Pennsylvania.

TRANSPORTATION - The off-site removal of any municipal waste generated in or present in the Township at any time.

(Ordinance 92, March 23, 1987; as amended by Ordinance 116, May 9, 1988; and by Ordinance 142, July 10, 1989)

§103. Storage of Municipal Solid Waste.

(1) It shall be unlawful for any owner or occupier of real property situate in the Township, where Municipal Solid Waste is produced, generated or stored, to store and/or dispose of said Municipal Solid Waste, except in accordance with the provisions of this Part 1 and such local, state and federal laws, ordinances, rules and regulations as shall apply to the said storage and disposal.

(2) All Municipal Solid Waste generated or produced in the Township shall, within twenty-four (24) hours after being generated or produced, be placed within and stored in containers that shall be sanitary, durable, watertight, leak proof and made of metal, plastic or fiberglass. Provided, however, that a shorter period of time for the placement and storage may be

designated by the Township Building Officer if, in the said officer's sole discretion, the same is necessary to protect persons or the environment.

(3) All containers for the storage of Municipal Solid Waste, situate in the Township shall be placed in such locations as shall facilitate the use of the same for such purposes.

(4) The herein referred to storage of Municipal Solid Waste shall, in addition to the above provisions, be done in such a manner as to prevent the attraction, breeding or harboring of insects, rodents, vermin, scavengers and animals and, in such manner as to prevent conditions which may create or result in hazards to the public health and safety, or which create or result in fire, odors, unsightliness or public nuisances.

(Ordinance 92, March 23, 1987)

§104. Disposal of Municipal Solid Waste.

(1) All stored Municipal Solid Waste situate within the Township shall be removed from its place of storage and disposed of, as provided in this Part, at such intervals as may be required to prevent a threat to the safety and health of persons or the environment, but in no event shall said Municipal Solid Waste be stored for longer than seven (7) consecutive days. All persons or entities within the Township generating or having solid waste shall have Municipal Solid Waste collection service.

Whenever requested by the Township the said persons or entities shall present proof satisfactory to the Township that the said person or entity has a current contract with solid waste hauler that satisfies the requirements of this Part or that said person or entity has disposed of said solid waste himself, herself or itself in accordance with the provisions of this Part. Said proof shall be provided to Township within 72 hours of said request.

(Ordinance 315, April 28, 2008)

(2) All Municipal Solid Waste produced, generated and stored in the Township shall be disposed of at disposal sites permitted by the Commonwealth of Pennsylvania and designated by the Township by resolution from time to time.

(3) Notwithstanding anything herein to the contrary, such items of Municipal Solid Waste that can be recycled and the materials recovered may be disposed of at such places or sites or with such persons as may from time to time be designated by the Township by resolution. Any person seeking to dispose of recyclable Municipal Solid Waste as provided in this section shall, prior to disposing the same, determine if the place, site and/or person has been designated by the Township for such purpose.

(4) All municipal solid waste produced, generated or stored in the Township shall be disposed of at the solid waste disposal facility or facilities, operated by Lycoming County near Allenwood, Pennsylvania, as long as the said facility is permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources and in operation. Said disposal shall be (1) in compliance with the regulations issued by Lycoming County, from time to time, controlling the manner in which the said facility is operated; (2) subject to such fees as shall be established by Lycoming County, from

time to time; (3) in compliance with all permits issued to Lycoming County for said facility or facilities and; (4) all solid waste delivered to Lycoming County at said facility or facilities shall be, upon delivery, the sole and exclusive property of Lycoming County, excepting, however, that if said solid waste is not in compliance with the provisions of all permits issued to Lycoming County, the said solid waste shall remain the property of the person, firm or entity disposing of the same and shall be removed and disposed of in accordance with law and at said person, firm or entity's expense. Notwithstanding anything herein to the contrary, East Buffalo Township or Lycoming County are not obligated to provide properly licensed or permitted facilities for the disposal of solid waste. This provision of this Part 1 requiring disposal of solid waste at Lycoming County's facility or facilities shall remain in effect only for so long as said facilities remain available.

(5) There is hereby established a Resource Recovery Program for the mandatory separation and disposal of recyclables from solid waste generated or stored in East Buffalo Township, Union County, Pennsylvania.

(6) All recyclables in the zoning districts set forth herein shall be separated from other solid waste by the owners or occupiers of premises within, where or upon which the same are generated or stored and shall be collected by the Township or its designated agent at such times and places and in such manner as shall be established by the Township by resolution. Said recyclables shall not be placed in the same containers as other non-recyclable solid waste.

(7) All recyclables in the zoning districts set forth herein shall, upon placement at such places as shall, by resolution, be designated by the Township for their collecting, thereupon be the sole and exclusive property of the Township or its designated agent. From and after such placement, it shall be a violation of this Part for any person, not authorized by the Township, to collect, pick up or remove or cause to be collected, picked up or removed any such recyclable and each such collection, pick up or removal shall be a separate and distinct offense, punishable as hereinafter provided.

(8) It shall be unlawful and a violation for any person to collect, pick up or remove any recyclables unless such person has been so authorized to do so by the Township by resolution.

(9) Notwithstanding anything herein to the contrary, any persons required by this Part to separate and dispose of recyclables, may dispose of the same through some other recycling program, provided the said program does in fact recycle the said recyclables in a manner acceptable to the Township.

(Ordinance 92, March 23, 1987; as amended by Ordinance 111, December 7, 1987; by Ordinance 116, May 9, 1988; and by Ordinance 116, May 9, 1988)

§105. Transportation. Any person transporting solid waste within the Township, no matter its place of origin shall do so in closed or covered containers or motor vehicles so as to prevent the spillage of the said solid waste from said containers or motor vehicles and shall be licensed by the appropriate governmental agencies. Any spillage, which occurs during said transportation of solid waste, shall be remedied immediately. (Ordinance 92, March 23, 1987)

§106. Exclusions.

(1) Nothing herein shall prohibit any owner or occupier of real property situate in the Township, whereon Municipal Solid Waste is produced, generated or stored, from disposing of said Municipal Solid Waste himself, herself, themselves or itself, provided the same is done in accordance with the terms of this Part 1.

(2) Nothing herein shall prohibit any person actively engaged in farming on lands situate within the Township from carrying out the normal farming activities, including the composting and spreading of manure or other farm produced agricultural wastes, provided the same is done in accordance with ordinances, rules and regulations.

(3) The provisions of this Part 1 do not apply to anything but the storage, collection, transportation and disposal of municipal waste and do not apply, therefore, to hazardous or residual wastes as defined by the Pennsylvania Solid Waste Management Act, and other applicable ordinances, laws, statutes, rules and regulations, which shall be governed by appropriate local, state and federal statutes, laws, ordinances, rules and regulations.

(Ordinance 92, March 23, 1987)

§107. Penalties and Remedies.

(1) Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses. (Ordinance 289, December 14, 2006)

(2) In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of Municipal Solid Waste and, should said person fail to remove such Municipal Solid Waste within ten (10) days following written notice of the same, the Township may cause the Municipal Solid Waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law. Said notices to be delivered either personally or by certified mail, return receipt requested, addressee only.

(Ordinance 92, March 23, 1987; as amended by Ordinance 132, February 27, 1989)

§108. Severability and Amendment.

(1) Should any section, paragraph, sentence, clause or phrase of this Part 1 be declared unconstitutional or invalid for any reason, the remainder of this Part 1 shall not be affected thereby.

(2) This Part 1 shall be subject to all applicable federal, state and local laws, ordinances, rules and regulations including the rules and regulations as set forth by the Department of Environmental Resources, Commonwealth of Pennsylvania.

(3) This Part 1, or any part thereof, may be amended from time to time in accordance with the procedures established by law.

(Ordinance 312, January 14, 2008)

CHAPTER 20

SOLID WASTE

Part 2

Recycling of Solid Waste

§201. Title. This Part 2 shall be known as the East Buffalo Township, Union County, Pennsylvania, Solid Waste Recycling Ordinance.

§202. Definitions. The following words and phrases, when used in this Part 2, shall have, unless the context clearly indicates otherwise, the following meaning:

GLASS CONTAINERS - All containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding, however, blue glass, flat glass, plate glass and glass commonly known as window glass.

NEWSPAPER - Shall be deemed to include paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals as well as all other paper products of any nature are not considered newspaper.

RECYCLABLES - Material having an economic value in the secondary materials market and designated as such from time to time by the Board of Supervisors of East Buffalo Township, Union County, Pennsylvania.

SOLID WASTE - Any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103)

TOWNSHIP - East Buffalo Township, Union County, Pennsylvania.

§203. Separation & Disposal of Recyclables.

(1) All occupants of residential dwellings within the Township shall separate such Recyclables as the Township shall from time to time designate from the Solid Waste generated by the occupants of the said dwelling and shall separately store the said Recyclables until disposed of in accordance with applicable ordinances, regulations or laws.

(2) All occupants of or possessors of real estate situate within the Township shall separate leaf, grass, tree and shrub waste from all other Solid Waste and shall dispose of the same by composting or some other means authorized by appropriate ordinance, regulation or law.

(3) All occupants of commercial, municipal or institutional establishments within the Township and those persons conducting community activities within the Township shall separate such recyclables as the Township shall from time to time designate from the Solid Waste generated by the said establishment or activities and shall separately store the same until disposed of in accordance with appropriate ordinance, regulation or law.

(4) The Township Board of Supervisors shall, from time to time, by resolution, adopt such regulations as it finds necessary and appropriate to implement the provisions of this Ordinance and appropriate state and federal laws governing the recycling of Solid Waste. Upon adoption of said regulations, the same shall be advertised in two newspapers of general circulation in East Buffalo Township once a week for two consecutive weeks. Said advertisement shall direct East Buffalo Township residents to consult the East Buffalo Township website for a complete list of regulations. Said regulations may also be provided to residents via a direct mail newsletter.

(Amended by Ordinance 398, adopted April 12, 2021)

§204. Recycling of Alternative Energy Components. As provided in the decommissioning plan for an alternative energy facility, the following shall apply:

(1) The decommissioning plan shall include an estimate of the materials to be removed that will be salvaged, recycled, refurbished or disposed of in a landfill.

(2) No more than twenty (20%) percent of the total combined mass of an alternative energy facility may enter into a landfill as part of the decommissioning plan.

(3) For the purpose of determining the total combined mass under this Section, the total combined mass shall include wind turbines, solar photovoltaic modules, wind turbine blades, meteorological towers, guy wires, auxiliary equipment and steel support structures.

(a) Cement support structures shall not be considered when determining the total combined mass under this Section.

(4) Should any federal or state regulations provide for more restrictive regulations related to the recycling of alternative energy components, the more restrictive regulations shall apply.

(As added by Ordinance 406, adopted June 13, 2022)

§205. Penalties. Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(As amended by Ordinance 406, adopted June 13, 2022)

§206. Severability and Amendment.

(1) Should any section, paragraph, sentence, clause or phrase of this Part 2 be declared unconstitutional or invalid for any reason, the remaining of this Part 2 shall not be affected thereby.

(2) This Part 2 shall be subject to all applicable federal, state and local laws, ordinances, rules and regulations including the rules and regulations as set forth by the Department of Environmental Resources, Commonwealth of Pennsylvania.

(3) This Part 2, or any part thereof, may be amended from time to time in accordance with the procedures established by law

(As amended by Ordinance 406, adopted June 13, 2022)

(Ordinance 159, November 11, 1991)