

ORDINANCE NO. 90-1

TOWNSHIP OF PENN FOREST  
COUNTY OF CARBON  
COMMONWEALTH OF PENNSYLVANIA

AN ORDINANCE REGULATING THE DISPOSAL OF MUNICIPAL WASTE, RUBBISH, GARBAGE AND REFUSE MATERIALS WITHIN THE TOWNSHIP OF PENN FOREST, COUNTY OF CARBON AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING DEFINITIONS, ESTABLISHING GENERAL REQUIREMENTS FOR A PERMIT APPLICATION, PERMIT FEES, FURTHER PROVIDING REQUIREMENTS AND STANDARDS FOR SANITATION, ESTABLISHING PENALTIES AND LAW ENFORCEMENT PROVISIONS, PROVIDING FOR SEVERABILITY OF PROVISIONS, AND ESTABLISHING EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, pursuant to the provisions of the Act of Assembly of 1933, May 1, P.L. 103, Art. VII, Section 702, Ch. VIII; 1943, May 21, P.L. 276, Section 1, 1947 July 10, P.L. 1481, Section 9; 1951, May 24 P.L. 370, Section 7; 1953 July 2, P.L. 354, Section 6; 1955 July 1, P.L. 249, Section 1, as amended 1961, May 9, P.L. 194, Section 1; 53 P.S. Section 65708.

ARTICLE I

INTENT AND DEFINITIONS

Section 1.01 - Statement of Intent

The intent of this Ordinance is to:

(a) promote the general health, welfare and safety of the community;

(b) provide for the orderly disposal of garbage, trash, refuse, and the like;

(c) Provide for the sanitation of the community by regulating the disposal of waste materials.

Section 1.02 - Definitions

The definitions used under this Ordinance are to have the same meaning as described in the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.101, et seq., as amended, and the statutes, rules and regulations now or hereafter promulgated in accordance with said Act, unless and to the extent defined otherwise in this Ordinance.

(a) - Administrator - The person or persons authorized by the governing body to enforce the provisions of this Ordinance, review permit applications, issue permits and collect fees.

(b) - Commercial Refuse - Any garbage, refuse or other material resulting from operation of a commercial establishment. Commercial refuse shall not include garbage, refuse and other material generated by contractors, builders, or individual property owners in the building and construction business, nor shall it include tires or

batteries from motor vehicles.

(c) - Community Activity Refuse - Any garbage, refuse, or other material resulting from operation of a community activity (this includes garbage, refuse or other materials from a property owners association).

(d) - Depository - A dumping station for the collection of municipal waste as established by the Governing Body.

(e) - Governing Body - The Board of Supervisors of Penn Forest Township.

(f) - Institutional Refuse - Any garbage, refuse or other material resulting from operation of an institutional establishment.

(g) - Municipal Waste - Any garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semi-solid 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 under the Pennsylvania Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

(h) - Permit - A Municipal Waste Disposal Permit issued by or on behalf of the Board of Supervisors of Penn Forest Township pursuant to this Ordinance, enabling the holder to dispose of municipal waste at a Township Depository in accordance with the provisions of

this Ordinance.

(i) - Person - Any natural person, association, partnership, firm or corporation. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, 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.

(i) - Replacement Permit - A permit issued to replace a previously issued permit prior to the expiration date thereof, when such original permit has been lost, damaged or destroyed.

(k) - Resident - Any person residing or located in Penn Forest Township on a permanent or part-time basis.

(l) - Residential Refuse - Any garbage, refuse and other material resulting from operation of a residential establishment.

(m) - Township - Penn Forest Township, Carbon County, Pennsylvania.

## ARTICLE II

### TOWNSHIP REFUSE DEPOSITORIES

#### Section 2.01 - Establishment

The governing body shall establish and maintain a depository for municipal waste at such location or locations within the Township as it may from time-to-time deem desirable.

#### Section 2.02 - Hours of Operation

The governing body shall have the authority to establish, by resolution, the hours of operation of any depository established

pursuant to Section 2.01 hereof. The hours of operation shall be posted in a conspicuous manner at all such depositories.

Section 2.03 - Employees

The governing body shall have the authority to hire and employ such personnel as it may deem necessary to operate the depository, enforce rules and regulations pertaining thereto, and to issue permits required under Article III hereof.

Section 2.04 - Rules and Regulations

The governing body shall have the power to adopt by resolution such rules and regulations as it may deem necessary and appropriate to assure the orderly disposal of municipal waste at all depositories, including but not limited to number of containers, types of containers, size of containers, separation of types of municipal waste, and prohibition of noxious, inflammable, radioactive or poisonous materials. All such rules and regulations shall be conspicuously posted at each depository.

ARTICLE III

ADMINISTRATION

Section 3.01 - Municipal Waste Permit Required

It shall be unlawful for any person to place municipal waste at or near any Township depository, unless such person displays a current disposal permit issued pursuant to this Ordinance in the manner required hereunder.

Section 3.02 - Issuance of Municipal Waste Disposal Permit

The Administrator shall issue a Municipal Waste Disposal Permit upon receipt of a completed application and the required permit fee, only after it has been determined that the applicant meets the eligibility requirements of this Ordinance. An issued permit shall be valid for a period of one year commencing July 1 through June 30 of the following year. Municipal Waste Disposal Permits shall be of two types: (1) those for residential refuse; (2) those for commercial, institutional and community refuse.

Section 3.03 - Application Procedure

Application for a Municipal Waste Disposal Permit shall be in writing to the Administrator on such form as may be adopted by the governing body. Such application in the case of a residential refuse shall contain at least the following information:

- (1) name and address of applicant;
- (2) certification that applicant is a resident of Penn Forest Township;
- (3) certification that applicant will not use the Township Depository for other than municipal waste;
- (4) certification that applicant will abide by all rules and regulations governing use of the Township Depository.

Section 3.04 - Permit Fee

(a) Residential Permit Fee - Applications for original and/or renewal residential disposal permits shall be accompanied by a

fee of Fifty (\$50.00) Dollars plus Five (\$5.00) Dollars for a second sticker payable to the Township.

(b) Commercial, Institutional and Community Activity Disposal Permits - Applications for original and/or renewal commercial, institutional disposal permits or community activity disposal permits shall be accompanied by a fee of Two Hundred (\$200.00) Dollars plus Five (\$5.00) Dollars for a second sticker payable to the Township. Contractors, builders, or individual property owners in the building or construction business shall not be permitted to dispose of their wastes at the Township depositories and shall instead be required to make their own arrangements for the storage, collection, transportation, processing and disposal of such wastes at an approved facility.

(c) Additional Fee for Certain Items - In addition to the annual permit fee, an additional fee of Thirty (\$30.00) Dollars per item shall be charged for the disposal of household appliances exceeding four (4) cubic feet in size, and other items or a similar size and nature, including but not limited to car parts, doors and fenders, and which do not comprise typical and frequently recurring waste of each particular applicant. The Governing Body may by resolution designate certain periods throughout the year as clean-up periods during which time no additional fee shall be charged for the disposal of the items described in this subsection, 3.04 (c).

Section 3.05 - Amendment of Permit Fees

The Board of Supervisors of Penn Forest Township shall have the power from time to time to amend the fees set forth in Sections 3.04, 3.06 and 3.10 of this Ordinance by a resolution duly adopted by a majority of said Supervisors at any regular or special meeting thereof.

Section 3.06 - Replacement Permits

The Administrator shall issue replacement permits, for good cause, upon the payment of One Dollar (\$1.00). Said permit shall expire on the first June 30 following the date of the issuance of the replacement permit.

Section 3.07 - Renewal of Permits

The Administrator shall, upon receipt of a duly completed application, and the appropriate fee, issue renewal permit for an additional period of one year, provided the Administrator is satisfied that the applicant meets the eligibility requirements of this Ordinance at the time that each such renewal application is filed.

Section 3.08 - Display of Permits

The Permit shall be displayed on the front driver's side bumper of the Applicant's motor vehicle in a conspicuous manner. In the event that Applicant's motor vehicle is not equipped with a front bumper, then, the permit shall be displayed on the front of Applicant's vehicle in a conspicuous manner. (Suggested on windshield under mirror.)



Section 3.09 - Form of Permits

The governing body shall have the authority to select, designate and design the form of the permit. The governing body may change the color, size or form of the permit from year-to-year.

Section 3.10 - Exemption from Permit Requirement

Residents of Penn Forest Township who have not obtained a Residential Refuse Permit shall be permitted to dispose of residential refuse at a Township Depository upon payment to the Administrator of Five (\$5.00) Dollars for each time such resident desires to dispose of residential refuse and has not obtained the permit required by Section 3.01 of this Ordinance.

ARTICLE IV

ENFORCEMENT

Section 4.01 - Prohibited Activities

No person shall:

(a) dispose materials at any depository in violation of posted rules and regulations

(b) dispose materials in, at or near any depository at any time when said depository is not open

(c) dispose materials in any depository without displaying a current permit in the manner required hereunder

(d) use the depository for the disposal of other than municipal waste

(e) deposit or permit to accumulate municipal, hazardous or residual waste on highways, vacant lots or other property or to be thrown in any stream or other body of water

(f) dispose in the Township Depository residential, commercial, institutional or community activity refuse generated from sources outside of the boundaries of Penn Forest Township.

Section 4.02 - Violations and Penalties

A violation of this Ordinance shall be deemed to be a summary offense and any person convicted of the violation of any of the provisions of this Ordinance shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and costs, and not more than Three Hundred (\$300.00) Dollars and costs, and in default thereof, shall be sentenced to imprisonment in the Carbon County Prison for a period of time not exceeding thirty (30) days. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent and the existence of or exercise of any remedy shall not prevent the Township from exercising any other remedy hereunder, at law or in equity.

Section 4.03 - Public Nuisance

Any violation of any provision of this Ordinance, any rule or regulation of the Township, or any term or condition of any permit, shall constitute a public nuisance. Any person or municipality committing such a violation shall be liable for the costs of abatement of any pollution and any public nuisance caused by such violation.

Section 4.04 - Permit Revocation

After any permit has been issued by the Administrator and it shall thereafter appear that the terms and conditions of the permit have been violated, or that any of the statements set forth in the application are false or incorrect, or incomplete in a material respect, the governing body shall, after notice and an opportunity for a hearing, have the power to revoke said permit.

ARTICLE V

GENERAL PROVISIONS

Section 5.01 - Repeal

All ordinances or resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 5.02 - Severability

The provisions of this Ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances inapplicability shall not affect or impair the remaining provisions of this Ordinance. It is hereby declared as the intent of the Board of the Township, that this Ordinance shall have been adopted had such unconstitutional, illegal or invalid sentences, clause, section or part thereof not been included therein.

ARTICLE VI

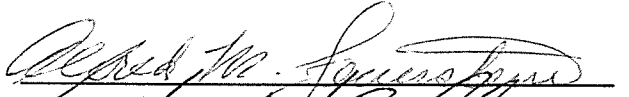


EFFECTIVE DATE

Section 6.01 - Effective Date

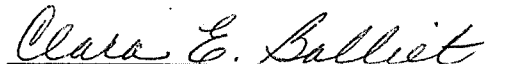
This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Penn Forest Township.

ENACTED AND ORDAINED as an Ordinance by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania, this 31<sup>st</sup> day of July, 1990.

BOARD OF SUPERVISORS

  
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ATTEST:

  
\_\_\_\_\_  
Secretary