

**TOWNSHIP OF ANTRIM  
FRANKLIN COUNTY, PENNSYLVANIA  
ORDINANCE NO. 351 OF 2017**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF  
ANTRIM, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 59  
ENTITLED "OPEN BURNING" AND CHAPTER 118 ENTITLED "SOLID WASTE"**

WHEREAS, the Township of Antrim currently has open burning regulations and solid waste regulations as set forth in the Code of the Township of Antrim, Pennsylvania; and

WHEREAS, the Antrim Township Board of Supervisors desire to amend the Code of the Township of Antrim, for various reasons, including but not limited to, compliance with State and Federal Laws and Regulations; and

WHEREAS, the amendment of Chapters 59 and 118 of the Code of the Township of Antrim is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Antrim as follows:

**SECTION I:** Chapter 59 entitled "Open Burning" of the Code of the Township of Antrim shall be deleted in its entirety and replaced with a new Chapter 59 entitled "Open Burning". The new Chapter 59 shall be as follows:

§ 59-1. Title.

This chapter shall be known as the "Antrim Township Open Burning Ordinance."

§ 59-2. Findings; policy.

The Board of Supervisors of Antrim Township, Franklin County, Pennsylvania, has determined that open burning may be hazardous to the health, welfare, safety and property of the citizens of Antrim Township. It is hereby declared to be the policy of Antrim Township to safeguard the citizens of the Township from such hazards. It shall be unlawful to burn material within Antrim Township except in full conformity with all regulations in this Chapter.

§ 59-3. Definitions.

The following words, terms and phrases, when used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

BOARD -- Township Board of Supervisors.

BURNING -- The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed burning.

CARCASS -- A dead animal body, in parts or whole, with or without the hide.

**CLEARING AND GRUBBING WASTES** -- Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

**DOMESTIC REFUSE** -- Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

**DWELLING** -- A building or structure designed for living quarters for one or more families, including homes which are supported either by a foundation or by blocks or jacks or are otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.

**DWELLING, SINGLE-FAMILY, DETACHED (HOUSE)** -- A dwelling used by one family, having only one dwelling unit and having two side yards.

**FURNACE** -- Any enclosed device specifically designed for the burning of any material for the production of heat.

**GARBAGE** -- All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**INCINERATOR** -- Any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

**OPEN BURNING** -- A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

**PERSON** -- Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

**REFUSE** -- Garbage, rubbish and trade waste.

**RUBBISH** -- Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, weeds or stubble in field, furniture, tin cans, glass, crockery, masonry and other similar materials.

**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, metals, chemicals, shipping containers or drums.

**TRADE WASTE** -- All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

**YARD WASTE** -- Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

#### § 59-4 General Regulations.

- A. Open Burning of the following is permitted outside of a burn ban.
  1. Any open burning which has received approval from the Department of Environmental Protection.
  2. Open burning of yard waste generated from the premises of a dwelling occupied by two families or less when fire is on said premises.
  3. Recreational fires such as camp fires, ceremonial fires, or fires for cooking.

4. Agricultural related burning.
  5. Open burning of domestic refuse from a single family detached dwelling when generated from that single family detached dwelling.
  6. Open burning shall be constantly attended and supervised by a responsible adult until the fire is extinguished and the ash is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- B. Location of permitted open burnings. Permitted open burning shall be located as follows:
1. Open burning shall be a minimum of twenty (20) feet away from any property line, house, or driveway.
  2. No burning shall be permitted within road right of ways, on sidewalks, in swales or other stormwater controls, or within easements.
  3. Burning shall be located in rear yards.

§ 59-5 Prohibitions.

- A. Prohibited open burning. The following shall be prohibited:
1. Open burning of refuse from a commercial or industrial establishment.
  2. Open burning of domestic refuse from a residential dwelling other than a single family detached home.
  3. Open burning of yard waste on a property on which it was not generated.
- B. Prohibited Materials. Open burning of the following materials is prohibited.
1. Construction and demolition waste.
  2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
  3. Furniture and appliances.
  4. Rubber including tires and synthetic rubber-like products.
  5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  6. Treated, or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  7. Garbage.
  8. Carcass.

§ 59-6. Burn Ban.

- A. The Board shall have the power to institute a burn ban when weather conditions exist during which open fires would be hazardous to the health, comfort, safety and property of the citizens of Antrim Township.
- B. Public Notice. When the Board makes a determination that a burn ban is warranted, public notice shall be given that open fires within the Township will be prohibited until such time as the Board determines that such weather conditions no longer exist. When the Board determines that such conditions no longer exist, public notice of that determination shall also be given. All public notices required hereunder shall be given by the Board by publication of same in one newspaper of general circulation within Antrim Township one time and by posting such notice at the Antrim Township Municipal Office Building. The prohibition against open fires provided for in this chapter shall take effect upon

publication of such notice and shall continue in effect until publication of the notice that such prohibition has been terminated.

- C. During periods when open fires are prohibited by the Board, no person shall:
1. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building.
  2. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his or her control outside of any building.
- D. Exceptions.
1. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
    - a. The prevention of a fire hazard which cannot be abated by other means.
    - b. The protection of public health.
  2. The Board may authorize in writing open fires during a burn ban provided that:
    - a. There is no practical available alternate method for the disposal of the material to be burned.
    - b. No hazardous or other objectionable condition will be created by such burning.

**§ 59-7. Violations and penalties.**

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

**SECTION II:** Article I entitled "Solid Waste and Recycling" of Chapter 118 entitled "Solid Waste" of the Code of the Township of Antrim shall be deleted in its entirety and replaced with a new Article I entitled "Solid Waste and Recycling". Article II in Chapter 118 entitled "Landfills" shall remain as is. The new Article I shall be as follows:

**ARTICLE I – SOLID WASTE AND RECYCLING**

**§ 118-1. Scope.**

This Article shall govern and control all aspects of the collection, storage, transportation, processing and disposal of municipal waste and recycling in Antrim Township. It contains regulations applicable to haulers of municipal waste, Collectors of recyclables, individuals, commercial, municipal and institutional establishments and community activities.

**§ 118-2 Purpose.**

The purpose of this Article is to protect the health, safety and welfare of the residents of the Township of Antrim by regulating the collection, storage, transportation, removal, recycling, dumping, depositing and disposal of solid waste materials by:

- A. Instituting a comprehensive solid waste management program.

- B. Establishing a mandatory solid waste recycling program in accordance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.

§ 118-3 Terminology.

A. In this Article, unless the context clearly indicates otherwise, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and neuter.

B. The definitions contained in the Solid Waste Management Act (35 P.S. § 6018.101 et seq.), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.101 et seq.), and regulations promulgated pursuant to those acts, are applicable to this Chapter.

C. As used in this Article, the following terms shall have the meanings indicated:

AGENT -- One who performs an act for his or her immediate family or for another person gratuitously (without any form of monetary or material compensation).

AGRICULTURAL WASTE -- Poultry and livestock manure, or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur bearing animals, and their products, provided that such agricultural waste is not hazardous. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, aquacultural and silvicultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands. (The term also includes materials in liquid or solid form generated in the production and marketing of fish or fish hatcheries.)

ALUMINUM CANS -- Empty, all-aluminum beverage and food containers.

APPLICANT -- A person desirous of being licensed as a hauler or of being issued a recyclable collection permit, as the case may be.

AUTHORIZED COLLECTOR -- A Licensed Hauler (as defined herein); a recyclable collection permittee (as defined herein); or a person who, being so authorized by the terms of this Article, removes municipal waste or recyclables from his or her own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent (as defined herein) of another person.

BIMETALLIC CANS -- Empty food or beverage containers consisting of both steel and aluminum.

BULKY ITEMS -- Large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size shape or weight.

CARCASS -- A dead animal body, in parts or whole, with or without the hide.

COLLECTOR -- Any individual, partnership, firm, corporation or other business who collects, for removal from premises, municipal waste or recyclables. Collectors shall maintain a valid license or authorization by the State for such collection except when the Collector is the owner or tenant of the property.

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.

COMMUNITY ACTIVITY -- An activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged.

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

**COMPOSTING FACILITY** -- A facility using land for processing of municipal waste by composting.

**CORRUGATED PAPER** -- Structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

**CURBSIDE COLLECTION** -- A method of collection of residentially generated recyclables and municipal waste by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside (along the street) or within the private right-of-way fronting along their property or which provides access to the property at times designated by the Antrim Township Supervisors or the Collector for collection and removal by an authorized Collector for delivery to a recycling center.

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

**DISPOSAL AREA** -- Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

**DWELLING UNIT** -- One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for the occupancy by one family or a single person.

**FOOD PROCESSING WASTE** -- Residual materials in liquid or solid form generated in the slaughtering of poultry and livestock or in the processing and converting fish, seafood, milk, meat, and eggs to food products; it also means residual materials generated in the processing, converting, or manufacturing of fruits, vegetables, crops and other commodities into marketable food items.

**FOOD PROCESSING WASTES USED FOR AGRICULTURAL PURPOSES** -- The use of food processing wastes in normal farming operations as defined in this section

**GARBAGE** -- All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**GLASS CONTAINERS** -- All empty food and beverage jars or bottles made from silica or sand, soda ash and limestone, the product being transparent or translucent (either clear, green or brown); excluding, however, blue glass, flat glass, plate glass, glass commonly known as "window glass," automotive glass and ceramic and porcelain products.

**HIGH-GRADE OFFICE PAPER** -- Any white paper other than newsprint, magazines or other chemically coated paper or corrugated paper, of the type commonly used for letter writing stationery, note paper, plain paper, photocopying machines, computer printers, and other general-purpose paper, whether or not any printed or written matter is contained thereon.

**INDUSTRIAL ESTABLISHMENT** -- Any establishment engaged in manufacturing, or processing, including, but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

**INSTITUTIONAL ESTABLISHMENT** -- Of or pertaining to any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

**LANDLORD** -- The owner of property or such owner's authorized agent or representative.

**LEAF WASTE** -- Leaves, garden residues, shrubbery and tree trimmings (less than four feet in length and two inches in diameter), and similar material, but not including grass clippings.

**LEAF COMPOSTING FACILITY** -- A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings. The term does not include a facility that is used entirely or partly for composting grass clippings.

**LICENSED HAULER** -- An individual, partnership, firm, corporation or other business licensed or authorized by the Commonwealth of Pennsylvania to collect, haul, transport and dispose of municipal waste and/or recyclables.

**MAGAZINES** -- Printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

**MULTIFAMILY HOUSING PROPERTY** -- A type of residential property either under single ownership by a person or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

**MUNICIPAL** -- Of or pertaining to any office or other property under the control of any branch or arm of the federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania, including but not limited to Antrim Township, any counties, cities, boroughs, townships and municipal authorities.

**MUNICIPAL WASTE** -- An all-encompassing, most general term meaning any garbage, refuse, commercial and 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, except farm produced manure; other agricultural waste; food processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes; any sludge not meeting the definition of residual or hazardous waste as defined in Commonwealth of Pennsylvania Solid Waste Management Act; but excluding recyclables.

**NEWSPRINT** -- Paper of the type commonly referred to as newspaper and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newsprint" expressly excludes glossy advertising inserts, magazines, glossy or other chemical coated paper, office paper and any other paper products of any nature.

**PERSON** -- Any individual, partnership, cooperative enterprise, municipality, 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. In any provisions of this Article prescribing a fine or penalty, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PLASTIC BEVERAGE CARRIER** -- Plastic rings or similar plastic connectors used as holding devices in the packaging of beverages, including but not limited to all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda and beer.

**PLASTIC CONTAINERS** -- Empty plastic food and beverage containers, the specific types of which may, from time to time, be designated by resolution of the Antrim Township Supervisors.

**POLLUTION** -- Contamination of any air, water, land, or other natural resources that will create or is likely to create a public nuisance or to render the air, water land or other natural resources harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial use or to livestock, wild animals, birds, fish or other life

**PRIVATE HOUSEHOLD WASTE** -- Solid waste generated in a residence.

**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 off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resource recovery facilities.

**PUBLIC CONTAINER** -- Any device owned by any local, state or federal government in which solid waste is held for storage or transportation.

**RECYCLABLES** -- Materials designated as recyclables in this Article, or required by the terms of this Article (or any amendment hereto) to be kept separate from municipal waste and recycled.

**RECYCLING** -- The collection, separate maintenance, recovery, and sale or reuse of recyclables which would otherwise be disposed of 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 a fuel for the production of energy.

**RECYCLING CENTER** -- A facility designed to or which does act as a collection center for the processing, storage, and shipment of recyclables. The term specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.

**REFUSE** -- Garbage, rubbish and trade waste.

**RESIDENTIAL** -- Of or pertaining to any dwelling unit used as place of human habitation and which is not commercial, municipal, institutional, or a community activity. Home occupations incidental to the residential use within a building are considered residential.

**RESOURCE RECOVERY FACILITY** -- A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off site, including but not limited to a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

1. Any composting facility.
2. Methane gas extraction from a municipal waste landfill.
3. Any separation and collection center, drop-off point or collection center for recycling or any source separation or collection center for composting leaf waste.
4. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

**RUBBISH** -- All non-putrescible municipal waste except garbage and other decomposable matter. This includes, but is not limited to ashes, bedding, cardboard, carpet, cans, crockery, glass, leather, masonry, old clothes, paper, rags, rubber, and solids not considered to be highly flammable or explosive.

**SALVAGE YARD** -- A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

**SALVAGE** -- The controlled reclamation of discarded objects for the purpose of reuse, which occurs at a solid waste processing or disposal facility.

**SCAVENGING** -- 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** -- Waste, including but not limited to municipal waste, residual or hazardous wastes (as defined in the Solid Waste Management Act of Pennsylvania), EN including solid, liquid, semisolid or contained gaseous materials.

**STEEL CANS** -- Empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.

**STORAGE** -- The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of the requirements of this Article constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

**TOWNSHIP** -- Antrim Township, Franklin County, Pennsylvania.

**TRADE WASTE** -- All solids or liquid material or rubbish resulting from construction building operations, or the prosecution of any business, trade, or industry, including, but not limited to, plastic products cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste material.

**TRANSPORTATION** -- The removal and conveyance of any municipal waste at any time after generation thereof.

**TRASH** -- Any solid waste, excluding food waste.

**WASTE** -- A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Protection for beneficial use.

**YARD WASTE** -- Grass clippings, prunings and other discarded vegetation from yards and gardens.

**YARD WASTE COMPOSTING FACILITIES** -- A facility that is used to compost yard waste, including a facility that is used to compost leaf waste.

§ 118-4. Prohibited Activities.

- A. Dumping and littering prohibited. It shall be unlawful for any person to accumulate, store, dump, discard, dispose or deposit or to permit the accumulation, storage, dumping, discarding, disposal or depositing of any solid waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of collection.
- B. It shall be unlawful for any person to dump or deposit any solid waste or recyclables in any stream, body of water or on any public or private right-of-way within the Township.
- C. It shall be unlawful for any person to salvage or reclaim any solid waste within the Municipality except at an approved and permitted salvage yard.
- D. It shall be unlawful for any person to use or permit the use of private property for the accumulation, disposal, packing, preparing, processing, storing, or transferring, of garbage, refuse, or other solid waste,
- E. It shall be unlawful to accumulate, store, dump, discard or deposit or to permit the accumulation, storage, dumping, discarding or depositing of any dead animal carcass, in part or in whole, with or without the hide in any manner including but not limited to trimmings of fat, meat, or flesh other than as regulated in this Article.

§ 118-5. Presumption of ownership.

The presence of any articles containing a person's name among solid waste or recyclables shall create a rebuttable presumption, for purposes of this article, that said solid waste or recyclables are the property of the person whose name is found therein. This presumption can only be rebutted by clear and convincing evidence to the contrary.

§ 118-6 Agricultural activities.

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

§ 118-7. Preparation and storage of municipal waste.

- A. General. The storage of all municipal waste shall be practiced to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire and other safety hazards, odors, unsightliness or public nuisance.
- B. Standards for storage. Any person storing municipal waste on private or public property in the Township shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:
1. Containers used for the storage of municipal waste shall be metal, plastic or fiberglass construction; rust and corrosion resistant, equipped with lids and waterproof (except that lids shall be optional on large bulk containers commonly known as "dumpsters").
  2. Containers shall remain tightly sealed and covered at all times.
  3. A sufficient number of containers to store the permitted amount of waste shall be acquired by the owner, tenant or occupant. All waste shall remain in the sealed, covered container until it is properly disposed of in accordance with this Article.
  4. Containers and/or bulky items shall be properly stored on the owner's, tenant's, or occupant's premises in a manner to prevent the collection or accumulation of water, the attraction, harborage, or breeding of insects or rodents and eliminate conditions harmful to public health.
  5. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers described above, and all ashes shall be free of any burning material before being deposited for collection.
  6. No person, except the occupants of the property on which a waste container is placed, an authorized Licensed Hauler, a Township official, employee or agent shall remove the lids of the container and/or remove the contents thereof.
  7. All hazardous waste (as defined in the Solid Waste Management Act of Pennsylvania), 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, but shall be specifically disposed of in accordance with the directions of the Township or of any State or Federal authority having jurisdiction thereof.
  8. Containers, other than bulk containers, shall be placed at such locations as may be agreed upon by the person and the authorized Licensed Hauler.
  9. Plastic bags may be used as inserts in the containers. A plastic bag is not a container and therefore is not proper storage.

10. Containers may be placed at the agreed location for pickup not earlier than 24 hours prior to collection.
11. Bulk containers (such as dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the Collector which will enable clear and easy access to the container by the Collector's vehicle.
12. 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 Article by the person on whose property the bulk container is located, if it is located on private property.

§ 118-8. Collection required; hours of collection.

- A. Property owner compliance. All owners 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.
  1. Self-collection and removal from residential dwellings other than Multifamily Housing. If a person or agent collects and removes their own municipal waste, they shall do so at a minimum of every fifteen (15) days or at shorter intervals to not exceed six (6) bags of waste or what can be placed in no more than three (3) containers as described in §118-7, in order to prevent odors, rodents, vectors or accumulations of refuse that is unsafe, unsightly, or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this Article.
  2. Contracts with Licensed Haulers.
    - a. All multifamily housing, commercial and industrial properties that generate waste shall contract with a Licensed Hauler in accordance with this Article. This may be accomplished using dumpsters that are emptied at a frequency of not less than every fifteen (15) days or at shorter intervals to maintain compliance with this Article. At no time shall a dumpster overflow, cause a public nuisance, generate odors, attract rodents or vectors, or create an unsafe, unsightly, or potentially harmful environment for the public. Curbside pickup may be utilized if compliance with this Article can be maintained.
    - b. Residential uses, other than Multifamily Housing, may, at their own discretion, contract with a Licensed Hauler in accordance with this section.
    - c. Every owner, occupant, agent, or establishment is responsible to ensure that waste is not accumulated, stored, dumped, or discarded in any manner except in full conformity of this Article. If the Licensed Hauler does not provide pick up in a frequency to maintain compliance then other arrangement shall be made by such owner, occupant, agent, or establishment to maintain compliance.
    - d. The Licensed Hauler contracted with for the regular, scheduled collection and removal of the municipal waste, curbside or otherwise, shall provide pick up services at least once every seven (7) days. Municipal waste shall be prepared for collection and be collected and removed from such person's or establishment's property at least once every seven (7) days, except where conditions beyond the control of the Licensed Hauler prevent it. No person other than a Licensed Hauler or an agent shall collect or remove municipal waste from any other person's property.
    - e. Nothing in this section shall allow for the accumulation, storage, or dumping, of any solid waste or recyclables.

- f. All agreements for collection, transportation, and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the Licensed Hauler who is to collect such waste.
- B. Collection on Sunday prohibited. Licensed Haulers shall not collect municipal waste from properties within the Township limits on Sunday.
  - C. Township collection/contracts. Nothing herein shall limit the right of the Township to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by law.
  - D. Antrim Township may, at its discretion, collect for removal, municipal waste that is not properly contained and/or disposed of in accordance with this Article after giving written notice of such intent. Costs of such removal shall be borne by the property owner and paid to the Township. Failure to pay may result in a municipal lien being placed on the property or other collection measures available to the Township of Antrim.
  - E. Private hauling permitted. Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste generated from their own property in which they reside on an irregular and unscheduled basis to a facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection, and which is approved for disposal in the Franklin County Solid Waste Plan, 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.
  - F. Recyclables; leaf waste. Nothing in this section shall modify the requirements in this Article pertaining to separation and disposal of recyclables. Nothing in this section shall impair the ability of the Township to provide a system of placement for removal and public collection of leaf waste, or the Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

§ 118-9. Transportation of municipal waste.

- A. Any person transporting municipal waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste.
- B. All persons authorized to collect municipal waste shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.

§ 118-10. Public containers.

The use of public containers for the disposal of private household waste is prohibited.

§ 118-11. Disposal of leaf waste.

- A. Unless otherwise providing for composting, all persons shall keep leaf waste separate from all other forms of municipal waste and separate from recyclables. Such waste shall be set out for collection in a manner to be designated by the Collector and shall be disposed of by the Collector in accordance with Pennsylvania Department of Environmental Protection regulations.
- B. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other agricultural purposes when generated on their own property.

- C. Leaf waste may not be collected off site and brought to private property for disposal, burning, composting or any other purpose.

§ 118-12. Disposal of wild animal carcass.

- A. Wild animal carcasses and all by products shall be properly disposed of within forty-eight (48) hours in accordance with standards set by State and Federal regulations for the disposal of dead domestic animals. Methods include burial, mortality composting and rendering in accordance with the procedures established by the Pennsylvania Department of Agriculture, and incineration only at Pennsylvania Department of Environmental Protection licensed incinerating facilities. All such disposal shall be in accordance with State and Federal regulations governing air quality, water quality, and methods according to procedures and product safety standards established by the Pennsylvania Department of Agriculture.
- B. Animal carcasses, parts or hides that are being collected, stored and/or processed to generate a product, shall be concealed from view and enclosed and/or sealed off at all times in a manner that emits no odor and prevents the attraction, harborage, or breeding of insects or rodents and eliminates conditions harmful to the public health, safety and welfare. Examples of proper storage are solid containers with tight fitting sealed lids, properly working refrigerated storage containers and the like. Tarps, plastic bags, and the like are not proper containment.

§ 118-13. Separation of recyclables.

- A. General. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions and the hauler's guidelines:
  - 1. Owners and occupants of all residential property shall keep separate from other waste but may commingle (mix) the following recyclables: clear glass, colored glass and aluminum, steel and bimetallic cans, and newsprint.
  - 2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate from other waste but may commingle (mix) the following recyclables: clear glass, colored glass, aluminum, steel and bimetallic cans, corrugated paper, high-grade office paper and newsprint.
  - 3. Alternatively, the Township Supervisors may by resolution enumerate alternative recyclables which will be required to be separated from municipal waste and collected in accordance with this Article.
- B. Paper products; metal; glass; limitations. Corrugated paper, high-grade office paper and newsprint shall be placed in easy-to-manage bundles not to exceed 40 pounds and kept dry. Glass containers and aluminum, steel and bimetallic cans shall be emptied and clean. Aluminum, steel and bimetallic cans and glass containers may be mixed together and shall be placed in containers which when full shall not exceed 40 pounds. Lids shall be removed from all glass containers. High-grade office paper shall be placed in containers not to exceed 40 pounds. Recyclables shall not be placed in the same garbage can or other container as, or otherwise mixed with, municipal waste for collection, removal or disposal. Recyclables shall not be placed in plastic bags or corrugated boxes.
- C. Alternative procedures. Recyclables may be set out for collection in a manner different from the requirements in Subsection B above if an alternative manner is designated by the Collector and complies with this Article.

§ 118-14. Removal of recyclables from residential properties.

- A. General. For residential properties other than multifamily housing properties, all recyclables which are required to be kept separate pursuant to § 118-13 above, shall be placed at the appropriate location on the premises to be collected at times designated by the Licensed Hauler. The frequency of such collection shall be not less than once every fifteen (15) days. Individuals may take their own recyclables generated from their own household to a recycle center.
- B. Licensed Hauler; location of recyclables. If the recyclables are to be collected by a Licensed Hauler, then the recyclables shall be set out curbside, within the public right-of-way for collection.

§ 118-15. Removal of recyclables from multifamily housing properties.

- A. General.
  - 1. For multifamily housing properties, all recyclables which are required to be kept separate pursuant to § 118-13 above shall either be delivered directly to a recycling center or shall be picked up by a Licensed Hauler separately from municipal waste in a prearranged manner. The owner and/or landlord of every multifamily housing property shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this Article governing separation and disposal or placement for removal of recyclables in multifamily housing properties. Every such owner and/or landlord shall set up a convenient and practical collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such properties.
  - 2. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.
- B. Compliance. Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to multifamily housing properties are still liable for the noncompliance of occupants of their building in addition to the occupants.

§ 118-16. Removal of recyclables from commercial, municipal and institutional properties and community activities.

All recyclables which are required to be kept separate in commercial, municipal and institutional establishments and properties and community activities pursuant to § 118-13, above, shall either be delivered directly to a recycling center or shall be picked up a Licensed Hauler separately from municipal waste in a prearranged manner.

§ 118-17. Recycling reports for multifamily housing properties.

- A. Reports required. The landlord of every multifamily housing property or his or her agent or representative shall complete a form to be designated "Recycling Report - Multifamily Housing Properties," to be provided by the Township, which shall indicate where the property's recyclables were delivered.
- B. Responsibility; time for submitting. The recycling report and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and recycling reports

quarterly to the Township, the Collector who removed the recyclables from the property shall be the agent for the landlord and shall be responsible for completing and submitting such to the Township. Each such quarterly report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis thus: January through March; April through June; July through September; and October through December.

§ 118-18. Recycling reports for commercial, municipal and institutional establishments and community activities.

- A. Reports required. Every commercial, municipal and institutional establishment and community activity sponsor shall complete a form to be designated "Recycling Report - Commercial, Municipal and Institutional Establishments and Community Activities," to be provided by the Township, which shall indicate where the establishment's or activity's recyclables were delivered.
- B. Responsibility; time for submitting. The recycling report and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and recycling reports quarterly to the Township, the Collector who removed the recyclables from the property shall be the agent for the operator of the establishment or sponsor of the activity and shall be responsible for completing and submitting such to the Township. Each such quarterly recycling report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar year basis, thus: January through March, April through June; July through September; and October through December.

§ 118-19. Collection by unauthorized person.

- A. From the time of placement for collection of residentially generated recyclable items for collection in accordance with the terms of this Article, the items shall be and become the property of the Township or its authorized agent. It shall be a violation of this Article for any person other than a Licensed Hauler to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided. This does not apply to the individual of a single-family home disposing of their own recyclables generated from their household.
- B. It shall be unlawful for a person to collect, remove or dispose of municipal waste which contains recyclables, required to be separated by that person, combined therewith.

§ 118-20. General regulations for Collectors.

- A. General. It shall be unlawful for any person, other than such persons as are duly authorized by the Commonwealth of Pennsylvania, to collect and to transport municipal wastes of any nature or recyclables within or from the Township.
- B. Authorization required. Authorization to collect, transport and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent (as defined in this Article) may be given authorization by the State. A person who collects municipal waste exclusively or in addition to recyclables shall provide valid copies of all permits, authorization, and/or licenses to the Township upon request to show proof of being an

authorized Collector or Licensed Hauler. Failure to provide such copies of permits, authorizations, and/or licenses within 30 days shall be deemed unauthorized and constitute a violation of this Article and be subject to violations provided herein.

- C. Rules and regulations. The Board of Supervisors may, from time to time by resolution, promulgate rules and regulations reasonable and necessary for the proper and effective administration of this Article.
- D. Compliance by Licensed Haulers. All Licensed Haulers shall have an affirmative duty to follow and conduct themselves in accordance with their current license, permit, or acknowledgement and to service each of their customers in accordance with the requirements of this Article and rules and regulations as may be promulgated from time to time by resolution of the Board of Supervisors, any failure of which shall be a violation of this Article.
- E. Limited exemptions. Collectors of bulky items, trash and rubbish who collect on an unscheduled, sporadic basis, (such as "you call, we haul" operators) shall be exempt from the timing provisions for removal of such items as required in this Article. All other provisions shall apply including, but not limited to authorization as required by the State.

§ 118-21. Licensed Haulers to remove recyclable materials.

- A. Residential customers. Every Licensed Hauler shall be required to provide to its residential customers the service of removing recyclables from their properties at the curbside (within the public right-of-way). Any such recyclables so removed by Licensed Haulers shall be kept separate from municipal waste, and shall be taken to a recycling center. Licensed Haulers shall take all of their customers recyclable materials to a recycling center.
- B. Commercial, municipal and institutional establishments and properties. Every Licensed Hauler shall be required to provide to its commercial, municipal, and institutional property customers the service of removing recyclables from their properties. Any such recyclables so removed by Licensed Haulers shall be kept separate from municipal waste and shall be taken to a recycling center. Licensed Haulers shall take all of their customers' recyclable material to a recycling center.

§ 118-22. Acceptance of unlawfully disposed of recyclables prohibited.

- A. Haulers' responsibilities. No Licensed Hauler shall accept, pick up or remove any bag or other container of municipal waste which the hauler knows or has reason to believe contains recyclables required to be separated, combined with municipal waste.
- B. Administration. Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pick up, the hauler shall affix a tag or sticker to the container containing the recyclables (which tag or sticker will be provided by the hauler). When the hauler utilizes a tag or sticker pursuant to this section, he or she shall fill in the information requested herein, including the address at which the container is located and the reason which led him or her to know or believe the container contained recyclables (e.g., he or she saw newspaper or he or she heard bottles rattling) to act as notice to the owner. The hauler shall leave such container with the tag or sticker placed thereon where he or she found it.

§ 118-23. Removal of bulky items by Licensed Haulers.



All Licensed Haulers doing business within the Township shall make available to their customers the service of removal of "bulky items" not less than frequently than once per year.

§ 118-24. Missed pickup.

In the event of any missed pickup, the Collector shall collect from the missed location before the end of the next business day.

§ 118-25. Complaints regarding collection.

All complaints regarding collection of recyclables or solid waste shall be reported to the Collector.

§ 118-26. Community-oriented charitable activities.

- A. Voluntary projects; authorization required. Nothing contained herein shall impair or prohibit any recognized religious, civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an Authorized Collector.
- B. Sale/donation of recyclables. Nothing herein shall be deemed to prohibit any person from donating or selling any recyclables to any recognized religious, civic, fraternal, charitable or benevolent organization, association or society unless or until such recyclables are placed at curbside or a similar location for collection by an authorized Collector.

§ 118-27. Violation and penalties.

- A. This Article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this Article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this Article that is violated shall also constitute a separate offense.
- B. For the purpose of this section, the doing of any act or thing prohibited by any provision of this Article, or the failure to do any act or thing as to which any provision of this Article creates an affirmative duty, shall constitute a violation of this Article, punishable as herein stated.

**SECTION III:** Effective Date. This Ordinance shall be in full force and effect following its passage, approval, and publication, in accordance with the law.

**SECTION IV:** Repealer and Savings Clause. Chapter 59 and Article I of Chapter 118 of the Code of the Township of Antrim are hereby repealed. All other Articles, Chapters, and Sections of the Code of the Township of Antrim shall remain in full force and effect.

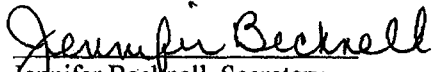
**SECTION V:** Severability. If any Article, Section, or provision of this Ordinance should be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity


of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ENACTED by the Board of Supervisors of the Township of Antrim at its regular meeting the 12<sup>th</sup> day of December, 2017.

ATTEST:

SUPERVISORS OF ANTRIM TOWNSHIP

  
Jennifer Becknell, Secretary

  
Rick Baer, Chairman

