

ORDINANCE NO. # 2 of 2023

**WEST PIKE RUN TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE REGULATING THE SOURCE, STORAGE,
COLLECTION AND DISPOSAL OF MUNICIPAL SOLID
WASTE WITHIN THE CORPORATE LIMITS OF WEST PIKE
RUN TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA;
REPEALING PRIOR ORDINANCES; PROVIDING
PENALTIES FOR VIOLATION OF THIS ORDINANCE**

WHEREAS, the West Pike Run Township Board of Supervisors is desirous of regulating the source, storage, collection, and disposal of Municipal Solid Waste (“WSW”) within the corporate limits of West Pike Run Township (“Township”); and

WHEREAS, it is necessary and essential as a matter of public necessity to provide for periodic collection and disposal of Solid Waste, in order to promote the health, safety, welfare of the public and for the convenience of the public; and

WHEREAS, the Township is desirous of regulating the collection, storage, removal and disposal of Solid Waste and to contract with a responsible, designated contractor for the collection, removal and disposal of Municipal Solid Waste as a means to achieve the above stated goals; and

WHEREAS, Township has undertaken a review of, and has determined that it is in the best interests of the Township to update, its existing ordinances regulating the source, storage, collection and disposal of Municipal Solid Waste (“MSW”) as referenced above; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of West Pike Run Township, Washington County, Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE.

The short title of this Ordinance No. 1-2027 shall be the “West Pike Run Township Solid Waste Ordinance of 2023”.

SECTION 2. PURPOSE.

It is the purpose of this Ordinance to enact updated and current legislation to protect the public health, safety and welfare from the hazards and threats of the unauthorized and/or improper depositing, collection, storage, removal and disposal of MSW as provided in the Second Class Township Code, and to provide for a Designated Contractor to accomplish the foregoing with respect to residential establishments and to carry out the duties of the Township under, and pursuant to the authority of, the Pennsylvania Solid Waste Management Act of 1980 and the Municipal Waste Planning, Recycling and Waste Reduction Act, and to regulate the

storage and periodic collection and disposal of Solid Waste and recyclable for other than residential establishments within the Township.

SECTION 3. DEFINITIONS

The following words and phrases shall have the meanings set forth below when used in this Ordinance, unless the context clearly indicates otherwise:

- A. "ACT 97" means The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).
- B. "ACT 101" means The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (SB528, Act 1988-201, July 1988).
- C. "Bags" shall mean plastic sack designed to store Solid Waste with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of a bag and its contents should not exceed 35 pounds.
- D. "Bin" shall mean a metal receptacle designed to be lifted and emptied mechanically for use only at commercial, industrial and institutional establishments. Also commonly known as dumpsters.
- E. "Bulky Waste" shall mean stoves, refrigerators, water tanks, washing machines, furniture, bedding, appliances and waste materials other than construction refuse, dead animals, with weights or volumes greater than those allowed for bins and containers, as the case may be.
- F. "Bundle" shall mean tree, shrub or brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding three feet in length, 12 inches in height or 50 pounds in weight.
- G. "Commercial Establishment" shall mean any establishment or property engaged in non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, apartment buildings of four or more residential units, theaters, churches, mobile home parks, institutions and schools.
- H. "Construction Refuse" means scrap, lumber, pipe and other construction materials from construction or remodeling.
- I. "Container" shall mean a receptacle, either round, square or rectangular, with a capacity of greater than 20 gallons but less than 35 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight-fitting lid capable of preventing entrance into the containers by vectors. The mouth of the container shall have a diameter greater than or equal to that of the base. The total weight of any container and its contents should not exceed 60 pounds.

- J. "Designed Contractor" (or "Contractor") shall mean the person, corporation or partnership that has entered into a contract with, has otherwise been granted a license or authority by, and/or is performing services for the Township with respect to Municipal Solid Waste and recycling collection, transportation and disposal, and shall also include the representatives, agents and employees thereof.
- K. "Demolition Refuse" shall mean lumber, pipes, brick, masonry and other construction materials from razed structures.
- L. "Disposal" shall include incineration, deposition, injection, dumping, spilling, leaking or placing of Municipal Solid Waste into, on and/or about the land and/or water in such a manner that the waste or a constituent of the waste enters the environment, is admitted into the air, and/or is discharged into the waters of the Commonwealth of Pennsylvania.
- M. "Disposal Site" shall mean any State permitted site, facility, location, area or premises to be used for the disposal of Municipal Solid Waste.
- N. "Dwelling Site" shall mean any building or portion thereof designed or used exclusively as a residence or sleeping place of one or more persons, not including a lintel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house or boarding house.
- O. "Dwelling Unit" shall mean one (1) or more rooms in a dwelling, including a Kitchen or Kitchenette, and sanitary facilities in a dwelling, which room or rooms are designed and arranged as a unit for occupancy by one person, tow or more persons living together or not more than one (1) family, all for living and sleeping purposes.
- P. "Garbage" shall mean all animal and vegetable wastes attending or resulting from handling, dealing, storing, preparation, cooking and/or consumption of foods.
- Q. "Hazardous Waste" shall mean any material or substance which by reason of its composition is (i) toxic or hazardous waste (A) as defined in the Resource, Conservation and Recovery Act of 1976, 42 U.S.C Sections 6901, et seq., (B) as defined in Section 6(e) of the Toxic Substances Control Act, 15 U.S.C. Section 2605 (e), (C) under the Pennsylvania Solid Waste Management Act, (D) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601-9657; (E) Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. §1321, as now or hereafter amended; (F) the Hazardous Material Transportation Act of 1976, 42 U.S.C. §6901-6987, as amended; (G) a toxic pollutant under section 307 (a)(1) of the Federal Water Pollution Control Act, 33 U.S.C. §1317(a)(1); (H) a hazardous air pollutant" under section 112 of the Clean Air Act, 42 U.S.C. §7412, (I) as not or hereafter amended; a "hazardous material" under the Hazardous Materials Transportation Unifor Safety Act of 1990, 49 U.S.C. App. §1802 (4), as now or hereafter amended; toxic or hazardous pursuant to regulations promulgated now and or hereafter under the aforementioned laws or amendments to any such laws; or presenting a risk to human health or the environment under other

applicable federal, state or local laws, ordinances, or regulations, as now or as may be passed or promulgated in the future and any material, substances or wastes that are toxic, ignitable, corrosive or reactive and that are regulated by any local governmental authority or the State of Pennsylvania or any agency of the United States.(Collectively, the “Hazardous Waste Laws”). “Toxic or hazardous Substances/Waste” shall also mean any substance that after release into the environment and upon exposure, ingestion, inhalation, or assimilation, either directly from the environment or directly by ingestion through food chains, will or may reasonable be anticipated to cause death, disease, behavior abnormalities, cancer, or genetic abnormalities. “Toxic or Hazardous Substances/Waste” specifically includes, but is not limited to, asbestos, polychlorinated biphenyls (“PCBs”), petroleum an petroleum-based derivatives, and urea formaldehyde, freon and other chlorofluorocarbons; or (J) under any other applicable laws of similar purpose or effect, including but not limited to, with respect to each of such laws in (A) through (J), any replacement, amendment, expansion or supplement thereto and any rules, regulations or policies thereunder; and (iii) any other material that any governmental agency having appropriate jurisdiction shall determine from time to time as hazardous, toxic, harmful, or dangerous.

- R. “Industrial Establishment” shall mean any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.
- S. “Institutional Establishment” shall mean any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.
- T. “Leaf Waste” shall mean leaves from trees, bushes, shrubs and other vegetative plants.
- U. “Mobile Home Park” shall mean a parcel of land under single or multiple ownership for the placement of mobile home(s) to be used for non-transient dwelling purposes.
- V. “Mixed Use Building” shall mean a building whose primary use is residential, but which may also contain a subordinate nonresidential use in the building. If the nonresidential use shall occupy 30% or less of the first floor of the structure, then the building shall be deemed residential use for the purpose of this Ordinance; if, however, the non-residential use occupies more than 30% of the first floor of the structure, then the entire structure shall be deemed a commercial use.
- W. “Multi-family Rental Housing Property” shall mean apartment buildings and mobile home parks as herein defined (“MFRHP”).
- X. “Municipal Solid Waste” (“MSW”) shall mean any garbage, refuse, industrial lunchroom or office waste, and/or any other material, including solid, liquid or semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial, industrial and/or institutional establishments, and /or from

community activities, and trace amounts of hazardous waste normally found in household trash, garbage or refuse, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility (Act 97, Sec. 103). The term does not include source-separated recyclable materials or “leaf waste” as defined by Act 101 but may include grass clippings.

- Y. “Person” shall mean any natural individual, person, association, partnership, co-partnership, firm, corporation, institution, cooperative enterprise, township, borough, county, city, state, municipality, and/or municipal authority, or in any other legal entity whatsoever recognized by law as the subject of rights and duties. In any provisions of this act prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term “individual” shall include, by way of explanation and not limitation, the officers and directors of any corporation or other legal entity having officers and directors.
- Z. “Processing” shall mean any technology used for the purpose of reducing the volume or bulk of MSW or any technology used to convert/or segregate part or all of such waste material for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities and resource recovery facilities.
- AA. “Producer” shall mean Any occupant of a commercial, industrial, institutional or residential establishment who generates MSW.
- BB. “Refuse” means the collective term applying to all garbage, rubbish, recyclable waste, bulky waste, ashes leaves, and grass trimmings from residential, municipal, commercial, industrial or institutional premises and construction and demolition refuse, and includes any material discarded by an individual and shall include, by way of explanation and not limitation, all perishable and non-perishable Solid Wastes (excluding body waste) or other waste, rubbish, trash, garbage, solid matter, semi-solid matter, liquid matter, all contained gaseous matter, animal matter, vegetative matter, sludge, synthetic matter and ashes exclusive of all hazardous and industrial waste.
- CC. “Residential Establishment” shall mean any premises utilized primarily as a residential dwelling unit including, but not limited to, homes and mobile homes. Apartments consisting of five or more residential dwelling units are considered commercial establishments; those containing four or less residential dwelling units shall be considered residential establishments for the purpose of this Ordinance.
- DD. “Scavenge” shall mean the unauthorized removal of Solid Waste or Recyclable Waste placed for collection or from Solid Waste or recycling processing or disposal facility.

EE. “Solid Waste” shall mean any waste, including, but not limited to, municipal, residential, hazardous wastes, including solid, liquid, semisolid, or contained gaseous material.

FF. “Storage” shall mean the containment of any MSW on a temporary basis in such a manner as not to constitute disposal of such waste. The containment of any MSW for a period in excess of one (1) year shall be conclusively presumed to constitute disposal.

GG. “Township” shall mean the Township of West Pike Run, a Second-Class Township, located in Washington County, Pennsylvania.

HH. “Transportation” shall mean the off-site removal of any Municipal Solid Waste generated or present at any time from the Township.

II. “Yard Waste” shall mean trees, tree limbs, bushes, shrubs, and other vegetative plant waste generated by residential, municipal, commercial, industrial or institutional establishments.

SECTION 4. REGULAR PERIODIC COLLECTION, STORAGE, AND DISPOSAL OF ALL MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL

Every owner, lessee and occupant of any building, structure, premises, residential establishment, property or place of business (including commercial, institutional and industrial establishments) within West Pike Run Township shall be responsible for the regular periodic and proper collection, storage and disposal of all Municipal Solid Waste generated and/or produced on, about, from and/or within such building, structure, premises, residential establishment, property or place of business, as required by this Ordinance.

SECTION 5. FREQUENCY OF COLLECTION

A. No person (including an owner, lessee and/or occupant of any building, structure, premises, residential establishment, property or place of business) shall accumulate, or permit or cause the accumulation of, MSW, and/or Solid Waste in, on and about any building, structure, property, premises, residential establishment, or place of business (including commercial, institutional and industrial establishments) owned, leased or occupied by that person within the Township, except for the purpose of regular periodic collection and disposal pursuant to this Ordinance; such collection and disposal shall occur at intervals not less frequent than once every seven (7) days, or at such other times as may be designated by the Township. All residential collection schedules shall be published regularly by the Township or its Designated Contractor or Collector.

B. All residential collection schedules shall be published regularly by the Township or its Designated Contractor or Collector.

SECTION 6. STANDARDS FOR STORING SOLID WASTE

- A. Solid Waste, including bulky waste, shall be stored in a way to prevent the collection of accumulation of water and attraction, harborage, or breeding of insects or rodents and so as to eliminate conditions harmful to public health or which may create fire or safety hazards, odors, unsightliness or public nuisance.
- B. Solid Waste shall be stored separately from hazardous materials, combustible, refuse and lawn clippings.
- C. Storage containers shall be properly stored on the owner's, tenant's, or occupant's premises at all times except in connection with days when the Solid Waste is scheduled for pick up; containers may be place for collection no earlier than five o'clock of the evening (5:00 p.m.) prior to the collection date and shall be properly placed at the appropriate collection point as specified in this Ordinance or as otherwise authorized by the Township or its Designated Contractor, and then removed to a proper storage location within a reasonable period of time after collection.
- D. Storage containers shall be kept tightly sealed and covered at all times.
- E. Solid Waste shall not protrude or extend above the top of the storage container.
- F. West Pike Run Township, or its Designated Contractor, may specifically require special storage procedures to facilitate the collection and resource recovery (recycling) of certain waste materials.
- G. Storage Containers
 - 1. All Solid Waste shall be stored in containers that comply with the minimum standards established as set forth in this Ordinance, and as approved by the Township or its Designated Contractor.
 - 2. Containers shall be used, maintained and stored so as to prevent public nuisances.
 - 3. Reusable Containers
 - a. All reusable containers shall:
 - i. Be provided by the owner , tenant, or occupant of the premises, neither the Township or a Designated Contractor shall be responsible for providing or required to provide reusable containers suitable for collection;
 - ii. Be constructed of durable watertight, rust, and corrosion resistant material such as metal, fiberglass, or plastic, and constructed in a manner as to be leak, weather, insect and rodent proof;

- iii. Have an opening at the top with a diameter equal to or greater than its base;
 - iv. Have a tight-fitting cover and suitable lifting handles to facilitate collection;
 - v. Have a capacity of not less than 20 gallons, but not more than 35 gallons;
 - vi. Not weigh more than 60 pounds when full;
 - vii. Be kept as sanitary as possible and cleansed and disinfected by the owner, tenant, or occupant periodically to prevent the accumulation of liquid residues or solids on the bottom or sides; and
 - viii. Shall not have sharp or ragged edges, or any other defect that may hamper collection or cause injury to collector's personnel.
- b. Reusable containers that do not comply with any of the standards set forth above shall be immediately replaced by the owner, tenant, or occupant, including upon notice from the Township or its Designated Contractor.

4. Disposal containers

- a. All disposal containers shall:
- i. Be neither a plastic bag or sack designated for municipal waste disposal;
 - ii. Have ties at the top;
 - iii. Have a capacity of not more than thirty (30) gallons;
 - iv. Not weigh more than thirty-five (35) pounds when filled;
 - v. Have sufficient wall strength to maintain physical integrity when lifted by the top.
- b. Disposable containers that do not comply with any of the standards set forth above shall be immediately replaced by the owner, tenant, or occupant, including upon notice from the Township or its Designated Contractor.
- c. All MSW accumulated by owners or occupants of each residential property or establishment shall be placed in containers, plastic bags and bundles ("Receptacles"), as hereinabove defined for collection by the Township or its Designated Contractor. Receptacles shall be located at ground level and at a point on the curb line of the street so as to be reasonable accessible to the Township or Contractor for collection.

5. Bulk Containers

The type, size, and placement of any bulk containers shall be determined by the waste generator and Solid Waste Collector, subject to the approval of the Township. At minimum, bulk containers shall:

- i. Be provided by the owner, tenant, or occupant of the premises
- ii. Be constructed of durable watertight, rust, and corrosion resistant material such as metal, fiberglass, or plastic and constructed in a manner as to be leak, weather, insect and rodent proof; and

- iii. Have a tight-fitting cover and suitable hoisting handles to facilitate collection; and
- iv. Be kept as sanitary as possible and cleaned by the owner, tenant, or occupant periodically; and
- v. Be maintained in a suitable and safe location that does not create a nuisance.

6. Storage Racks for Receptacles

- a. If an owner, tenant, or occupant of a residence or multi-family residence, institution, commercial, or industrialized establishment, restaurant or hotel elects to have racks or holders for storage containers, such racks or holders shall:
 - i. Be made of durable metal or wood;
 - ii. Have at least twelve (12) inches of clearance from the ground unless the base is made of concrete, or another easily cleaned material; and
 - iii. Be placed in a safe and suitable location and manner so as not to constitute a hazard or nuisance.

H. Any person storing garbage, refuse, rubbish, or Solid Waste for collection shall comply with the following:

- 1. All garbage, refuse, rubbish and Solid Waste shall be thoroughly rinsed and drained of free liquid before placing in storage containers; and
- 2. All garbage, refuse, rubbish, or Solid Waste that is perishable shall be wrapped securely in paper, plastic, or similar material or placed in a properly tied plastic bag; and
- 3. All combustible waste should be separated from non-combustible waste; and
- 4. Inorganic materials, e.g., scrap lumber or firewood, may be “kept” on private property provided that it is accumulated or stored at least twelve (12) inches above the surface ground; and
- 5. Bulk waste items such as furniture, automobile parts, machinery, appliances, and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of insects or rodents, safety hazards and fire hazards.
- 6. West Pike Run Township or its Designated Contractor may specifically require special preparation procedures to facilitate the collection and resource recovery (recycling) of certain waste materials.

SECTION 7. STANDARDS FOR COLLECTING SOLID WASTE

A. Place for collection

1. All Solid Waste shall be and remain in storage containers when placed at the collection point.
2. Storage containers placed for collection shall be located.
 - a. At ground level and at a point on the curb line of the street or road adjacent to the property where collection is to occur so as to be reasonably accessible to the Township or its Designated Contractor.
 - b. The Contractor shall pick up the storage containers at the front property line unless there is an agreement in place with the Contractor, subject to Township's approval, for a different collection point.
 - c. No Solid Waste shall be placed for collection earlier than five o'clock in the evening (5:00 p.m.) prior to the collection date.
 - d. All storage containers shall be promptly removed from the collection point within a reasonable period of time following collection.

SECTION 8. COLLECTING AND TRANSPORTING SOLID WASTE

- A. All Solid Waste shall be collected and transported so as to prevent public health hazards, safety hazards, and nuisances.
- B. All Solid Waste from the Township shall be transported only to an approved disposal site.
- C. Any vehicle transporting Solid Waste shall not be delayed or placed in a populated area for more than four (4) hours, except that this paragraph does not apply to days when collection is taking place within the Township.
- D. Daily written logs of the quantities of Solid Waste that was transported, its destinations, and time of arrival at its destination shall be maintained by the person transporting the Solid Waste.
- E. Storage Containers
 - i. The Designated Contractor shall place the cover on any reusable container after collecting the waste from that container.
 - ii. The Designated Contractor shall handle the storage container carefully so as not to spill the contents or damage the container.

SECTION 9. PROHIBITION OF THE PLACEMENT OR TRANSPORTATION FOR COLLECTION OF MSW ORIGINATING OR GENERATED OUTSIDE OF THE CORPORATE LIMITS OF THE TOWNSHIP

No person(s), including but not limited to owners, occupants and lessees of property or refuse collector(s) shall:

- A. Place, or cause to be placed, or have present upon and/or about any property within the Township, any MSW, refuse, garbage, rubbish, or trash for collection and disposal by the Township or a Designated Contractor that originated or was generated outside of the corporate limits of the Township; or
- B. Transport, or cause to be transported, any MSW, refuse, garbage, or trash into the Township for collection and disposal by the Township or a Designated Contractor, knowing or having reason to know that such material originated or otherwise generated outside of the corporate limits of the Township.
- C. A Township Contractor may be permitted to transport other refuse, etc. to a dumpster located in the Township upon receiving written permission from the Township.

The offenses set forth in subsection A and B are independent violations, and each violation of subsection A. or B. shall constitute a separate offense. Furthermore, without limiting the foregoing, owners, lessees, occupants, as well as any person or entity collecting or transporting MSW as described, shall be jointly and severally liable for offenses under subsections A. and B. hereof.

SECTION 10. PROHIBITION OF THE COLLECTION OR TRANSPORTATION OF ORIGINATING OR GENERATED INSIDE THE CORPORATE LIMITS OF THE TOWNSHIP

With respect to Residential Establishments, no person(s), including, but not limited to owners, occupants, and lessees of property, or refuse collector(s)/ transporter(s), shall:

- A. Place, or cause to be placed, or have present upon any Residential Establishment within the Township, any MSW, refuse, garbage, rubbish or trash originated or generated inside the corporate limits of the Township for collection and disposal by any person other than the Township or a Designated Contractor.
- B. Collect or transport, or cause to be collected or transported, any MSW, refuse, garbage, rubbish or trash from any Residential Establishment located within the Township, which, pursuant to this Ordinance, should otherwise be held for collection and disposal by the Township or Designated Contractor under Section 5, knowing or having reason to know the same originated or was generated inside of the corporate limits of the Township.

The offenses set forth in subsection A. and B. above are independent violations, and each violation of subsection A. or B. shall constitute a separate offense. Furthermore, without limiting the foregoing, owners, lessees, occupants, as well as any person or entity collecting or

transporting as described, shall be jointly and severally liable for offenses under subsections A. and B. hereof.

SECTION 11. OTHER PROHIBITED AND REGULATED ACTIVITIES

A. It shall be unlawful for any person to:

- i. Accumulate, bury, collect, convey, dispose of, pack, process, remove, store, transfer, or transport garbage, refuse or other Solid Waste on private or public property located in the Township, except as provided in this Ordinance; and
- ii. Bury, collect, convey, dispose of, remove, or transport garbage, refuse, or other Solid Waste from private or public property located in the Township without being designated, licensed or otherwise authorized by the Township as a designated contractor (i.e., those entities or persons contracted with or designated by the Township Supervisors to collect, convey, pack, transfer, or transport any garbage, refuse, or other Solid Waste), except as provided in this Ordinance; and
- iii. Scavenge any items, materials, or things from any garbage, refuse, or other Solid Waste that is accumulated, buried, disposed, packed, prepared, processed, or stored on private or public property located in West Pike Run Township, except as provided in this Ordinance; and
- iv. Salvage or reclaim any Solid Waste within the Municipality except at an approved and permitted resource recovery facility under Act 97 or Act 101, or as otherwise permitted by any applicable Commonwealth, Commonwealth Agency, Municipal, or Municipal Agency's laws, rules or regulations; and
- v. Discard, dispose, place, or throw any garbage, refuse, or other Solid Waste in or upon any alley, body of water, sewer inlet, sidewalk, or street private or public, located in West Pike Run Township, except as provided in this Ordinance; and
- vi. Bury, collect, convey, discard, dispose, process or transfer a new or used lead acid battery in Municipal Solid Waste; and
- vii. Use or permit to be used any of their private property in the Township as a private accumulating, disposing, packing, preparing, processing, storing, transferring or disposal site for garbage, refuse, or other Solid Waste, except as provided in this Ordinance; and
- viii. To own or operate a municipal waste processing or disposal facility without a permit from the Department of Environment Resources; and
- ix. Not to use such methods and facilities, as necessary to control leachate, runoff, discharges and emissions from residual waste in accordance with the Department of Environmental Resources; and
- x. Not use such methods and facilities as are necessary to prevent the harmful or hazardous mixing of wastes; and
- xi. Use such method and equipment, and facilities , as are necessary to store, collect, and/or transport Solid Waste in a manner that will adversely affect or endanger the environment, public health or welfare and safety; and
- xii. Not to take immediate steps to contain and clean spills, litter, or accidental discharge of Solid Waste and to notify the Department, pursuant to Department regulations, of any such spill, litter or accidental discharge which occur on public highways, public areas, which may enter the waters of the Commonwealth; and

- xiii. Refuse, hinder, obstruct, delay or threaten any agent or employee of West Pike Run Township in the course of performance of any duty under this Ordinance, including, but not limited to, entrance and inspection under any circumstance; and
- xiv. Cause of assist in the violation of any provision of this Ordinance; and
- xv. Accumulate, burn, bury, collect, convey, dispose of, dump, pack, process, remove, store, transfer, or transport garbage, rubbish, refuse, or other Solid Waste on Sunday.

B. The offenses set forth in subsection A above are independent violations, and each violation thereof shall constitute a separate offense. Furthermore, without limiting the foregoing, owners, lessees, occupant, as well as any person or entity collections of transporting MSW as described, shall be jointly and severally liable for offenses under and any violation of subsection A. above. Furthermore, each day's continuance of a violation of subsection A shall constitute a separate offense.

SECTION 12. RESIDENTIAL FEES

- A. As of the effective date of this Ordinance and thereafter, each owner of any dwelling unit in any Residential Establishment within the Township shall be responsible for the payment of a MSW and Recycling Collection and Disposal Fee. This fee shall be set by the Refuse Collector.
- B. Commercial properties shall be permitted to utilize the services of refuse hauler that is not contracted with the Township.

SECTION 13. AUTHORITY TO REFUSE TO COLLECT, ABATE AND CHARGE FOR THE REMOVAL OF UNAUTHORIZED MSW

The Township or its Designated Contractor shall have authority to refuse municipal collection and disposal service to any premises on which unauthorized MSW are placed for collection and disposal in violation of the terms of this Ordinance. Within ten (10) days after the notice from the Township to do so, the owner, lessee or occupant shall jointly or severally remove, abate and /or otherwise correct the violation. If that person fails, neglects or refuses to abate the violation within the time limit, the Township shall have authority, but not the responsibility, in person or by its agents and/or employees, to remove or abate the violation, and in so doing, shall have authority to enter upon the property of the person in default. Thereupon, the Township or its Designated Contractor shall be entitled to reimbursement for the cost of the removal and additional costs and expensed associated with the abatement or removal from the person who created, continued, caused, or maintained the violation and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the violation, with an additional amount of ten (10%) percent, in the manner provided for the collection of the municipal claims, or by an action in assumpsit; provided, that the cost and expense shall be in addition to any penalty imposed under Section 16 of this Ordinance. Additionally, failure to provide notice in this section shall not be a defense to violations of Section 8 hereof.

SECTION 14. PENALTY FOR VIOLATING ORDINANCE

Any person, partnership or corporation who or which violates any provision of this Ordinance shall be subject to a fine not to exceed six hundred dollars (\$600.00) per violation. If any such fine imposed is not voluntarily paid to the Township in a timely manner, the Township shall have the right to initiate a civil enforcement proceeding before a district justice. Upon being found liable in a civil enforcement proceeding commenced by the Township, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in connection with enforcement proceedings. Each day that a violation continues unabated, and each section of the Ordinance, which is found to have been violated, shall constitute a separate violation. All fines, judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

SECTION 15. INSPECTION OF MSW

Any person(s) who shall place at curbside, or otherwise, for collection or disposal of any MSW, refuse, garbage, rubbish, trash or recyclable materials the Township, shall be deemed to have given consent, whether express or implied, the Township or its Designated Contractor to open and inspect any container, receptacle or enclosure containing, or purporting to contain, MSW, refuse, garbage, rubbish or trash, for a legitimate purpose associated with administering, enforcing and/or determining compliance with this Ordinance and/or any other applicable law.

SECTION 16. REPEAL OF INCONSISTENT ORDINANCES

Any and all prior Ordinances or any part of any Ordinance inconsistent with this Ordinance are hereby repealed pro tanto.

SECTION 17. SEVERABILITY AND SAVINGS CLAUSE

This Ordinance is declared necessary for the preservation of public health and safety and is enacted pursuant to the police power of the Township for the purpose, as well as the authority granted to the Township under Municipal Waste Planning Recycling and Waste Reduction Act. If any sentence, clause, section, or part of this Ordinance is, for any reason, determined to be invalid, illegal or unconstitutional, the determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would not have been adopted had such unconstitutional, invalid, illegal or invalid sentences, clause, section or part thereof had been included in this Ordinance.

SECTION 18. POWER TO AMEND ORDINANCE

The Board of Supervisors reserves the right to amend this Ordinance, or any portion thereof, from time to time, as it shall deem advisable in the best interests of the Township and intention to advance the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 19. FAILURE TO ENFORCE NOT A WAIVER

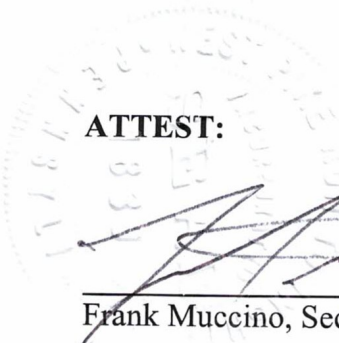
The failure to enforce or absence of enforcement of any provision of this Ordinance, at any time, shall not constitute a waiver by the Township of its right to enforce any provision of this Ordinance and/or imitate or take enforcement action with respect to the Ordinance at any other time.

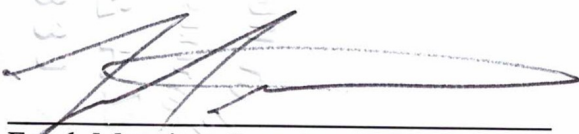
SECTION 20. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the date it is adopted and enacted by vote of the Board of Supervisors.

DULY ENACTED AND ORDAINED, this _____ day of _____, 2023 by the Board of Supervisors of West Pike Run Township, Washington, Pennsylvania, in lawful session duly assembled.

ATTEST:

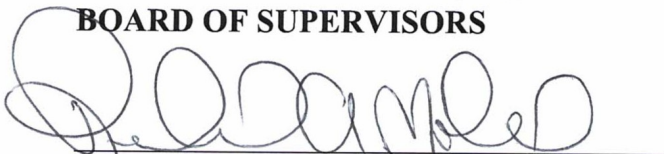




Frank Muccino, Secretary/Treasurer

(SEAL)

**WEST PIKE RUN TOWNSHIP
BOARD OF SUPERVISORS**



Richard A. Molish, Chairman

Dale Tiberie, Vice Chairman



Walter D. MacFann