

CHAPTER 20

SOLID WASTE

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Part 1

Municipal Waste Regulations

§101. Short Title. This Part 1 shall be known as and may be cited as the "Walker Township Municipal Waste Ordinance." (Ord. 5/6/1985, 5/6/1985, §1)

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

APPLICANT - a person desirous of being licenses as a "Collector."

COLLECTOR - a person licensed by Walker Township to collect, transport and dispose of municipal waste.

DISPOSAL - the incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the municipal waste or a constituent of municipal waste which 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.

INSTITUTIONAL ESTABLISHMENT - any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages and schools.

JUNKED OR ABANDONED VEHICLES - a motor vehicle not bearing a currently valid motor vehicle registration, and which is not capable of operation without mechanical repair, adjustment or replacement of a part or parts.

MANAGEMENT - the entire process or any part thereof, storage, collection, transportation, processing, treatment and disposal of municipal wastes by an person engaging in such process.

MUNICIPAL WASTE - any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, except farm produced manure, other agricultural waste and food processing waste used on land where such materials will improved the condition of the soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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 facilities, composting facilities and resource recovery facilities.

REFUSE - all materials which are discarded as useless.

STORAGE - the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TOWNSHIP - Walker Township, Juniata County, Pennsylvania.

TRANSPORTATION - the off-site removal of any municipal waste at any time after generation.

(Ord. 5/6/1985, 5/6/1985, §2)

§103. Dumping.

1. It shall be unlawful for any person to store, dump, discard or deposit; or permit the storage, dumping, discarding or depositing of, any municipal waste upon the surface of the ground or underground within the jurisdictional limits of Walker Township, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers.

2. It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of Walker Township.

3. Nothing contained herein shall be deemed to prohibit any person, not regularly engaged in the business of hauling municipal waste for profit, from hauling such municipal waste on an irregular and unscheduled basis, to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

4. Nothing contained in this Part 1 shall prohibit a farmer from carrying out normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural wastes.

(Ord. 5/6/1985, 5/6/1985, §3)

§104. Authorization of Collectors.

1. It shall be unlawful for any person, other than such persons as are duly authorized by Walker Township, to collect and transport municipal waste of any nature within or from Walker Township. Authorization shall be given only as set forth below.

2. Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by Walker Township through the issuance of a license. All applications for licensing shall be approved in accordance with the following criteria:

A. Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this Part 1.

B. At the time of application submission, the applicant shall indicate that he has the appropriate type of sanitary, closed or covered truck with which to collect municipal wastes.

C. Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Board for just cause.

D. Fees for such licenses shall be established by resolution of the Board of Supervisors.

3. The Board of Supervisors may authorize other individuals to collect and transport municipal waste in certain instances without a license as required above, but only in the following circumstances:

A. Where, in the opinion of the Board of Supervisors, mandatory utilization of the collection system will cause undue hardship on a commercial or industrial establishment in the Township of Walker; or,

B. Where it is established that the collection system and/or the municipal hauler(s) are unable to adequately serve the collection needs of a commercial or industrial operation because a unique type of waste is generated or because special transportation facilities are required to collect and haul the waste.

(Ord. 5/6/1985, 5/6/1985, §4)

§105. Preparation and Storage of Municipal Waste.

1. The storage of all municipal waste shall be practiced so as 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 create fire and other safety hazards, odors, unsightliness or public nuisance.

2. Any person accumulating or storing garbage on private or public property in Walker Township for any purpose whatsoever (including waste being stored temporarily for door-to-door collection), shall place the same or cause the same to be placed in sanitary closed or covered containers in accordance with the following standards:

A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction; rust and corrosion resistant, equipped with lids; waterproof and leakproof; and except in the case of bulk containers, shall not exceed thirty (30) gallons in capacity. Plastic trash bags, if not punctured, may be used to store municipal waste.

B. All containers shall be kept in a sanitary condition and in good repair. Any container that does not conform with this Part 1 or is difficult to handle, or is likely to injure the collector or his employees, or hampers the prompt collection of municipal waste shall be replaced upon notice to the owner of such container.

C. A sufficient number of containers shall be provided to contain all municipal waste materials that are required to be placed in containers generated during periods between regularly scheduled collections.

3. Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:

A. All garbage shall be drained of excess liquid and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers previously described, and all ashes shall be free of any burning material before being deposited for collection.

B. Trees, brush, hedge and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six (6') feet, and shall be bound securely in bundles not to exceed forty (40) pounds in weight before being deposited for collection.

C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six (6') feet in length and forty (40) pounds in weight before being deposited for collection.

D. No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.

E. Municipal waste of a highly flammable or explosive nature, or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed in accordance with the directions of the Board of Supervisors.

4. Containers for door-to-door collection shall be placed in the following manner to facilitate such collection:

A. Containers, other than bulk containers, shall be placed, whenever possible, at ground level and at a point on the curb line of the street, or within no more than ten (10') feet of the public street or alley right-of-way from which collection from a vehicle can be made or at such other locations as may be approved by the licensed collector. Failure to place containers at such locations may result in an additional charge for collection.

B. Bulk containers shall be placed, whenever possible, at ground level and at a point on the property being served by the collector that will enable clear and easy access to the container by the collector's vehicle.

(Ord. 5/6/1985, 5/6/1985, §5)

§106. Disposal of Municipal Waste.

1. All municipal waste produced, collected and transported from within the jurisdiction limits of Walker Township shall be disposed of at a State permitted facility.

2. It shall be unlawful for a licensed or authorized collector in Walker Township to dispose of municipal waste collected within Walker Township at a place other than the permitted facility licensed by the Department of Environmental Resources and in accordance with the Juniata County Solid Waste Plan.

3. The disposal of bulky wastes; such as, but not limited, to refrigerators, stoves, other appliances, pieces of furniture, auto parts, and other household goods and equipment shall be performed by annual

collection and in a manner to be designated by Walker Township and advertised in a newspaper of general circulation.

(Ord. 5/6/1985, 5/6/1985, §6)

§107. Transportation of Municipal Waste. Any person transporting municipal waste within Walker Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste. (Ord. 5/6/1985, 5/6/1985, §7)

§108. Collection and Collection Charges.

1. Municipal waste to be collected by the licensed hauler shall be prepared for and collected once each week, except where conditions beyond the control of the hauler prevent it.

2. Any person or commercial establishment authorized to dispose of their own refuse shall provide for collection at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly or potentially harmful to the public health.

3. All agreements for collection, transportation and disposition of municipal waste collected on a door-to-door basis shall be by private contract between the person and the collector. The Board of Supervisors may choose to levy an annual municipal waste service fee to ensure proper collection, transportation and disposal of municipal waste in accordance with the intent of this Part 1, if the private contract arrangements for payment fail.

(Ord. 5/6/1985, 5/6/1985, §8)

§109. Penalties and Remedies.

1. Any person violating any of the provisions of this Part 1 shall be guilty of an offense and shall upon conviction thereof before a District Justice of this County, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars, together with the costs of prosecution and, in default of payment of said fine and costs, to undergo imprisonment in the County Jail for a period of not more than thirty (30) days. Every violator of the provisions of this Part 1 shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this §109(1) for each and every such separate offense. [A.O.]

2. In addition to the foregoing penalty, Walker Township may require the owner or occupier of a property to remove any accumulation of municipal waste or junked or abandoned motor vehicles, and should said person fail to remove the same within ten (10) days after written notice, Walker Township may cause the same to be done and collect the costs thereof together with a penalty of ten (10%) percent of such costs in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by bill in equity.

(Ord. 5/6/1985, 5/6/1985, §9)





Part 2

Sanitary Landfills

§201. Short Title. This Part 2 shall be known and may be cited as the "Walker Township Ordinance for Licensing and Regulation of Sanitary Landfills." (Ord. 8/6/1984, 8/6/1984, §1)

§202. Definitions.

PERSON - any individual or individuals, partnership, firm, association or corporation, and specifically including the partners, officers and directors thereof.

REFUSE - any waste material constituting "solid waste" as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. 6018.101 et seq.

SANITARY LANDFILL - any land site used to dump, bury or deposit, store or treat refuse.

(Ord. 8/6/1984, 8/6/1984, §2)

§203. License Required. No person shall maintain or continue to maintain for commercial purposes or as a part of a commercial enterprise, any place within Walker Township, Juniata County, for dumping, burying or depositing, storing or treating refuse unless such place is licensed by the Board of Supervisors of Walker Township, as a sanitary landfill. Application for such license shall be made to the Board of Supervisors of Walker Township and shall contain the following information:

A. The name and address of the applicant.

B. A plan drawn to scale indicating by metes and bounds the land upon which the sanitary landfill is to be maintained, the area presently in use as a sanitary landfill, the area intended to be used as a sanitary landfill in the future and the use for which permit has been granted by Department of Environmental Resources under the Solid Waste Management Act, aforementioned, or any other pertinent statute, and all streams and public roads within six hundred (600') feet of any present landfill, intended landfill or permitted landfill.

C. A list of equipment available for use in maintaining the landfill site.

D. The name and address of each individual who will be in charge of the landfill site during hours of operation.

E. The type of refuse to be accepted.

F. Certificate of insurance including liability for pollution together with copy of insurance policy satisfactory to the Board of Supervisors of Walker Township.

(Ord. 8/6/1984, 8/6/1984, §3)

§204. Term of License. A license issued for sanitary landfill hereunder shall be valid for the calendar year for which it is issued and upon application may be renewed on a year to year basis thereafter. All

applications shall be acted upon by the Board of Supervisors of Walker Township within sixty (60) days of filing with the Secretary of the Board. No license shall be effective until approved by the Board of Supervisors at a regular meeting. (Ord. 8/6/1984, 8/6/1984, §4)

§205. Revocation and Refusal. The Board of Supervisors may revoke or refuse any license previously issued for the operation of a sanitary landfill if the Board finds, after investigation and hearing, that the landfill has been operated in violation of the regulations set forth in this Part 2 or any other ordinances of Walker Township, including the Walker Township Zoning Ordinance (Chapter 27 of this Code), if any, or any pertinent laws or regulations of the Commonwealth of Pennsylvania or of the United States of America. (Ord. 8/6/1984, 8/6/1984, §5)

§206. License Fee. The license fee for the operation of a sanitary landfill shall be one thousand two hundred (\$1,200.00) dollars for each calendar year or one hundred (\$100.00) dollars for each month or portion thereof in case of a permit for less than a calendar year payable in full at the time of application. (Ord. 8/6/1984, 8/6/1984, §6)

§207. Regulations.

1. The licensee shall comply with all pertinent laws and regulations of the Commonwealth of Pennsylvania and of the United States of America or any department, agency, or authority thereof.

2. A competent adult individual directly responsible to the licensee shall be present at and in charge of the landfill at all times during operation. Whenever said competent adult individual is not present at the site, the landfill shall be closed.

3. A daily register shall be kept containing the full name and address of each person, firm or corporation or other entity bringing refuse to the landfill, containing the license number of any vehicle involved, the charges therefore, and specifying the type and quantity of refuse and the place of origin of such refuse.

4. The daily register required in Subsection (3) above shall be open to inspection by the Board of Supervisors or its duly authorized representative at all time during business hours.

5. Except in the case of an emergency because of adverse weather conditions, in which case notice shall be given to the Township, the hours of operation shall be restricted to 7 a.m. until 5 p.m. Monday through Friday and 7 a.m. until 12 noon on Saturday.

6. The landfill site shall be closed by a locked gate at each entrance and exit when the landfill is not open or in operation.

7. There shall be no fires or burning of any waste at the landfill site.

8. There shall be no uncovered waste, junk or other discarded material at the landfill site at the close of a working day.

9. There shall be no dumping, depositing, storage or treatment of refuse within three hundred (300') feet of any public road or any property line of the landfill and reasonable visual screening composed of trees and so forth shall be provided.

10. Upon request of the Board of Supervisors of Walker Township or its duly authorized representative, the licensee shall provide the results of any and all tests required by the Pennsylvania Department of Environmental Resources and/or the Environmental Protection Agency.

11. The licensee shall remove and clean any refuse spilled upon any public or private road or property within Walker Township from any vehicle carrying refuse to the landfill and shall have equipment and personnel available at all times for such cleaning and removal.

12. The licensee shall prevent any refuse dumped, buried, deposited, stored or treated at its landfill from blowing, leaking, seeping or otherwise escaping the sanitary landfill onto any other public or private property in Walker Township. In the event of a violation of this regulation, in addition to the other penalties provided herein, the licensee shall remove and/or clear any such refuse within twenty-four (24) hours unless prevented from doing so in an emergency caused by adverse weather conditions.

13. The landfill licensee, owner and/or person in charge shall immediately report to the Township Supervisors or Secretary of the Board either the leaking or seepage of any refuse material or waste into underground or surface water, or the spilling of any refuse upon any public or private road or property in Walker Township.

14. The landfill licensee and/or owner shall attend, upon request, at reasonable times and places, meetings of the Walker Township Supervisors.

(Ord. 8/6/1984, 8/6/1984, §7)

§208. Enforcement. Any person who violates any of the provisions of this Part 2 shall, upon conviction thereof, in addition to any other charges or penalties imposed by this Part 2, pay a fine or penalty of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars and the cost of prosecution and in default in the payment thereof, shall undergo imprisonment in the Juniata County Jail for not more than thirty (30) days. A new and separate offense shall be deemed to have been committed for each day said violation exists. (Ord. 8/6/1984, 8/6/1984, §8; as amended by Ord. 1991-1, 1/7/1991)

§209. Declaration of Purpose. It is declared that enactment of this Part 2 is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of Walker Township. (Ord. 8/6/1984, 8/6/1984, §11)

