

**CHAPTER 20**

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**PART 1**

**SOLID WASTE DISPOSAL AND PROCESSING**

**§20-101. Short Title.**

This Part shall be known and may be cited as the “Towanda Township Disposal and Processing Ordinance”.

(Ord. 6/22/1980, §1)

**§20-102. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings herein indicated:

**ACCESS ROAD** — any cartway or roadway in Towanda Township used to transport any of the items defined in this Section.

**AIR POLLUTION** — the presence in the outdoor atmosphere of any form of contaminant including, but not limited to, the discharges from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes or any other source of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste or any other matter which is in such place, manner or concentration inimical or potentially inimical to public health, safety or welfare, which is, or may be, injurious to human, plant or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

**APPLICANT** — any person who makes an application under this Part or to whom a permit is issued under this Part.

**BOARD** — the Board of Supervisors of Towanda Township.

**BUILDING** — a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store or other building where people are accustomed to live, work or assemble.

**BULKY WASTE** — large items of refuse including, but not limited to, tires, appliances, furniture, large auto parts, trees, branches and stumps which cannot be handled by normal solid waste processing, collection or disposal methods. [Ord. 47]

**COMMERCIAL WASTE** — all solid waste emanating from establishments engaged in business. This category shall include, but is not limited to, solid waste

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originating in stores, markets, office buildings, restaurants, shopping centers and theaters.

**CONSTRUCTION AND DEMOLITION WASTE** — waste building materials, dredging materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operation on houses, commercial buildings and other structures and pavements.

**DOMESTIC WASTE OR HOUSEHOLD WASTE** — solid waste comprised of garbage and rubbish which normally originates in the residential private household or apartment house.

**EXPLOSIVES** — any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion or by detonator may produce an explosion capable of causing injury to persons or damage to property. The term explosive includes, but is not limited to, black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton and wet nitrostarch.

**FARM OPERATION** — any location having 10 acres or more on which crops are raised and harvested, or on which more than five head of livestock is raised.

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

**GARBAGE** — solid waste resulting from animal grain, fruit or vegetable matter used or intended for use as food.

**HAZARDOUS MATERIAL** — infectious or pathogenic hospital wastes, water treatment residues, biological wastes, radioactive wastes, pesticides, chemicals, empty chemical or pesticide container, industrial solvents and solutions and explosive material require special consideration while being stored prior to final disposal.

**HAZARDOUS WASTE** — a solid waste or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported; or disposed of or otherwise managed.

**HIGHWAY** — any public street, public alley or public road.

**INSTITUTIONAL WASTE** — all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

**PERSON** — any individual, association, public or private corporation for profit or not for profit, partnership, firm trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term “person” shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

**PROCESSING OF WASTES** — any technology for the purpose of converting the items defined in this Section for refuse making said items harmless or preparing said items for disposal.

**RADIATION PROCESSING MACHINES OR EQUIPMENT** — any apparatus capable of producing ionizing radiation, except devices which produce ionizing radiation only from radioactive material.

**RADIOACTIVE MATERIAL** — any material (solid, liquid or gas of which one or more constituents exhibit radioactivity or is capable of emitting ionizing radiation

**SITE** — any location where the items defined in this Section, “bulky waste,” “commercial waste,” construction and demolition waste,” domestic waste or household waste,” “explosives,” “food process waste,” “garbage,” “hazardous material,” “hazardous waste,” “institutional waste,” “sewage” and “solid waste” are disposed of or processed.

**SEWAGE** — any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937, P.L. 1987 (No. 394), known as the “Clean Streams Law”, as amended (35 P.S. §691.1 et seq.).

**SOLID WASTE** — garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agriculture and residential activities.

**TOWNSHIP** — Towanda Township, Bradford County, Pennsylvania.

**WATER POLLUTION** — contamination of any water of Towanda Township which will create a nuisance or which is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other aquatic life

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including, but not limited to, such contamination by alteration of the physical, chemical or biological properties of such waters, by change in temperature, taste, color or odor thereof, or by the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters.

(Ord. 6/22/1980, §2; as amended by Ord. 47, 7/9/2001)

### **§20-103. Permit Required.**

No system or site for the disposal and/or processing of the items defined in §20-102, “bulky waste,” “commercial waste,” construction and demolition waste,” domestic waste or household waste,” “explosives,” “food process waste,” “garbage,” “hazardous material,” “hazardous waste,” “institutional waste, “sewage,” and “solid waste,” hereinabove, maybe operated or established within Towanda Township, unless and until said Board of Supervisors issues a permit for said system or site.

(Ord. 6/22/1980, §3)

### **§20-104. Application.**

The application for a permit to dispose or process the items defined in §20-102, “bulky waste,” “commercial waste,” construction and demolition waste,” domestic waste or household waste,” “explosives,” “food process waste,” “garbage,” “hazardous material,” “hazardous waste,” “institutional waste, “sewage,” and “solid waste,” shall be made on forms prescribed by the Board and shall contain or have attached as exhibits complete plans for the processing system and site, including detailed plans as required under applicable State and Federal laws.

(Ord. 6/22/1980, §4)

### **§20-105. Hearing.**

The Board of Supervisors shall have a period of 90 days from the date of submission of such application to hold any public hearing as that they deem necessary and approve or reject the same, unless such period is extended by agreement of the Board and the applicant. If the Board has not rendered a decision prior to the end of such 90 day period, or any extension thereof agreed to by the Board and the applicant, such application shall be deemed to be denied.

(Ord. 6/22/1980, §5)

**§20-106. Conditions for the Issuance of a Permit.**

1. In order for a permit to be issued by the Board, the applicant must meet the following conditions:
  - A. Comply with all Federal and State laws pertaining to the processing and/or disposal of the item or items defined in §20-102, “bulky waste,” “commercial waste,” construction and demolition waste,” domestic waste or household waste,” “explosives,” “food process waste,” “garbage,” “hazardous material,” “hazardous waste,” “institutional waste,” “sewage,” and “solid waste,” that the applicant proposes to dispose of or process.
  - B. Submit plans for the system of disposal or system of processing which will completely prevent water and air pollution as defined herein.
  - C. Comply with all rules and regulations of the Environmental Protection Agency.
  - D. Have a site in excess of 300 acres.
  - E. Have a site located so that the access road thereto will not involve traveling in excess of one mile on any Towanda Township road.
  - F. Maintain a fence around the perimeter of said site which will be at least six feet high.
  - G. Submit plans which will insure that there will be no discharge into underground water.
  - H. Any and all other conditions that may be imposed by the Board.
2. The Board shall not issue a permit for a system to dispose of or process the items defined in §20-102, “bulky waste,” “commercial waste,” construction and demolition waste,” domestic waste or household waste,” “explosives,” “food process waste,” “garbage,” “hazardous material,” “hazardous waste,” “institutional waste,” “sewage,” and “solid waste,” hereinabove, unless the processing system and disposal site plans and specifications are in compliance with all Federal laws and regulations, and all State laws and regulations, and all of the requirements of this Part.

(Ord. 6/22/1980, §6)

**§20-107. Exception.**

Nothing in this Part shall be deemed to apply to the use of livestock manure for fertilization purposes in connection with a farm operation.

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(Ord. 6/22/1980, §7)

### **§20-108. Right to Reject Applications.**

Notwithstanding anything to the contrary contained herein, the Board shall have the right to reject any and all applications if, in their opinion, the approval of same will not be in the best interests of the health and safety of the Township. The Board shall have this right even though said application meets all of the requirements of §20-106, hereinabove.

(Ord. 6/22/1980, §8)

### **§20-109. Issuance.**

Upon a determination that the applicant meets the requirements to have a permit issued, said permit will be issued, with such conditions imposed by the Board as are needed to protect public health and safety as are determined by the Board.

(Ord. 6/22/1980, §9)

### **§20-110. Restricted Areas.**

No permit for the disposal or processing of the items defined in §20-102, “bulky waste,” “commercial waste,” construction and demolition waste,” domestic waste or household waste,” “explosives,” “food process waste,” “garbage,” “hazardous material,” “hazardous waste,” “institutional waste, “sewage,” and “solid waste,” hereinabove, shall be issued for the following areas of Towanda Township:

- A. Any site located within one mile of any creek, river, stream, brook, lake, pond and/or any place where any drinking water is stored for consumption by the public, or any well which is in use which supplies water to a farm operation, building or private residence, or which supplies water for livestock.
- B. Any site which is located within one mile of any public park, playground, school or public recreation area.
- C. Any site which is less than 300 acres.
- D. Any site located within one mile of any farm operation.

(Ord. 6/22/1980, §10)



**§20-111. Monitoring and Inspection.**

The Board or its representatives shall have the right at any time to make an onlot inspection of the site or disposal or processing system being used by the applicant. In addition, the Board shall have the right to monitor the system and site, and conduct any tests it deems necessary in order to determine if the applicant is complying with this Part and all other laws relating to the applicant's operation.

(Ord. 6/22/1980, §11)

**§20-112. Notice.**

If in the event the Board, after inspection or monitoring, shall determine that there is a violation of State law, Federal law, this Part, or that there is a danger to public health and safety, they shall notify the applicant by regular mail, to correct the problem. If the applicant does not cure the problem within 30 days after the date of said notice, then said permit shall be terminated on the 31st day after the date of said notice.

(Ord. 6/22/1980, §12)

**§20-113. Prohibited.**

In no event may any of the items defined in §20-102 be brought into the Township of Towanda for the purpose of disposal or processing therein.

(Ord. 6/22/1980, §13)

**§20-114. Storage, Use, Transportation, Disposal and Processing of Radioactive Material.**

Notwithstanding anything to the contrary herein, the transportation, disposal, storage, handling, preparation, use and processing of radioactive material and radioactive producing machines or equipment is prohibited within Towanda Township.

(Ord. 6/22/1980, §14)

**§20-115. Access Roads.**

If in the event a permit is issued, the Board shall designate the access roads in the Township that the applicant can use. It shall be a violation of this Part for the applicant to use any access roads other than those designated by the Board.

(Ord. 6/22/1980, §15)

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### **§20-116. Maintenance of Access Roads.**

The applicant shall be responsible to maintain all access roads. Every six months the Board shall make a survey of the access roads used by the applicant and shall give to the applicant instructions as to what must be done to maintain said roads. The applicant shall comply with said maintenance instructions within 45 days. If the applicant fails to comply with said instructions within 45 days after the date of said instructions, then in that event, the applicant's license will automatically terminate 46 days after the receipt of said maintenance instructions.

(Ord. 6/22/1980, §16)

### **§20-117. Revocation of Permits.**

A permit shall be revoked at any time for any one or more of the following reasons, which shall be incorporated into a written revocation:

- A. When any change which has occurred in the physical conditions of any lands which will materially affect the operation of the disposal or processing of the item or items for which the permit is issued.
- B. When information material to the issuance of the permit has been falsified.
- C. Whenever in the opinion of the Board the further operation of said disposal site or processing site will result in a danger to public health and safety.

(Ord. 6/22/1980, §17)

### **§20-118. Discharges to Underground Waters.**

Under no circumstances shall there be any discharge from the disposal or processing site into underground water.

(Ord. 6/22/1980, §18)

### **§20-119. Fees.**

If in the event a permit is issued by the Board, an annual fee in an amount as established from time to time by resolution of the Board of Supervisors shall be paid by the applicant on or before January 1 of each and every year. For the first year of operation, said fee shall be paid simultaneously with the issuance of said permit without proration. The Board shall use the fee mentioned in the foregoing Section in order to monitor and inspect the site where the disposal and processing of the items referred to in the permit are being disposed of or processed.

(Ord. 6/22/1980, §19; as amended by Ord. 47, 7/9/2001)

**§20-120. Transferability of Permits.**

Permits are not transferable or assignable.

(Ord. 6/22/1980, §21)

**§20-121. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 6/22/1980, §22; as amended by Ord. 47, 7/9/2001)

**§20-122. Abatement of Nuisances.**

In addition to the remedies provided herein, any continued violations of this Part which shall constitute a nuisance in fact, or which shall in the opinion of the Board constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(Ord. 6/22/1980, §24)



**PART 2**

**REGULATION OF THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE**

**§20-201. Intent and Purpose.**

All domestic, commercial and industrial refuse accumulated or stored upon any property within the Township of Towanda shall be collected and removed by a responsible person or collector and shall be disposed in an appropriate manner.

(Ord. 47, 7/9/2001)

**§20-202. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

ASHES — residue from the burning of coal, coke or other combustible material.

DISPOSAL — storage, collection, disposal or handling of garbage.

DWELLING — place of residence within the Township of Towanda of one or more persons where refuse is generated through normal living habits. It shall include apartments or buildings devoted to multiple-family occupancy.

GARBAGE — all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

OCCUPANT — the person generally in possession and control of any dwelling.

PERSON — any natural person, association, partnership, firm or corporation.

REFUSE — all solid waste, except human body wastes, including garbage, ashes and rubbish.

RUBBISH — glass, metal, paper, plant growth, wood or nonputrescible solid waste.

SOLID WASTE — any waste including, but not limited to, municipal, residual or hazardous wastes, including solidified liquids, semisolids or contained gaseous materials.

2. In this Part, the singular shall include the plural; the plural shall include the singular and the masculine shall include the feminine and neuter.

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(Ord. 47, 7/9/2001)

### **§20-203. Allowable Containers.**

Every family or household at whose premises refuse is collected or removed shall provide and maintain at all times a portable metal or plastic receptacle or plastic trash bags. The same must be watertight, equipped with a tight fitting cover or tie, and each receptacle shall be kept in a clean and sanitary condition.

(Ord. 47, 7/9/2001)

### **§20-204. Schedules.**

Residents shall arrange or refuse pickup and disposal at an approved landfill on at least a bi-weekly basis. Material shall not be placed at the curb or area for pickup sooner than 24 hours prior to scheduled pickup time.

(Ord. 47, 7/9/2001)

### **§20-205. Accumulation or Improper Disposal of Garbage Prohibited.**

No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots, unoccupied or unused vehicles, unoccupied structures designed for human habitation (e.g., mobile homes or trailers), utility trailers or other property.

(Ord. 47, 7/9/2001)

### **§20-206. Preparation for Collection.**

All garbage, before being placed into receptacles or collection, shall have drained from it, as far as practical, all free liquid. Garbage shall be wrapped in paper or otherwise contained. Ashes shall be placed in separate, fire resistant containers. Rubbish shall be placed in approved containers (as specified in §20-203, herein) or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the collector, and not to exceed 36 inches in length and 50 pounds in weight.

(Ord. 47, 7/9/2001)

### **§20-207. Penalties.**

Any person, firm or corporation or any agent of any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary

offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 47, 7/9/2001)