

Chapter 20

Solid Waste

Part 1 Solid Waste Disposal

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Part 1**Solid Waste Disposal****§20-101. Title.**

This Part shall be known as the “Heidelberg Township Municipal Solid Waste Ordinance.”

(*Ord. 1-85, 6/7/1985, Art. I*)

§20-102. Definitions.

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

Aluminum cans—clean, nonaerosol and empty all-aluminum beverage and food containers. [*Ord. 2010-1*]

Applicant—a person desirous of being authorized as a “collector.”

Authorized collector—person, firm or corporation registered with the Township of Heidelberg to handle municipal waste and recyclables in accordance with the provisions of this Part. [*Ord. 2010-1*]

Bulky waste—items of solid waste which due to their size, shape or weight cannot be collected as part of the normal weekly municipal waste collection and, therefore, require special handling. For example, large household appliances such as stoves and refrigerators, plumbing fixtures, furniture, large crates, tires, tools machinery or parts thereof and similar items in size shall be considered bulky waste. [*Ord. 2010-1*]

Collector—a person authorized by Heidelberg Township to collect, transport, and dispose of municipal waste.

Commercial establishments—any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. [*Ord. 2010-1*]

Construction and demolition waste—lumber, roofing material, sheathing, rubble, broken concrete, macadam, plastic and brick, conduit, pipe, insulation and other material that result from a construction, demolition or remodeling process. [*Ord. 2010-1*]

Corrugated cardboard—paper boxes constructed in a corrugated manner and used as containers for business and consumer applications. [*Ord. 2010-1*]

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 waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Disposal site—any site, facility, location, area, or premises to be used for the disposal of municipal wastes.

Dwelling unit—any room or group of rooms located within a building and forming a single habitable unit with facilities that are used or intended to be used

for living, sleeping, cooking, and eating by one family. [Ord. 2010-1]

Exclusive contract—an agreement entered into by the Township of Heidelberg with a private person or corporation for the collection and disposal of all municipal waste and/or recyclables within the Township to the extent provided by this Part and the agreement. [Ord. 2010-1]

Garbage—all animal and vegetable wastes attending or resulting from the handling, dealing, storage, preparation, cooking, and consumption of foods.

Glass—plain, uncolored or colored glass bottles and jars not including mirrors, pottery, fired glass or glass windows. [Ord. 2010-1]

Hauler—any person appropriately licensed by the Commonwealth of Pennsylvania. [Ord. 2010-1]

Industrial establishment—any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants and refineries. [Ord. 2010-1]

Institutional establishment—any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities. [Ord. 2010-1]

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

Municipal waste—any garbage, refuse, 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 and any sludge not meeting the definition of residual or hazardous waste from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. (Pennsylvania Solid Waste Management, §103, 35 P.S. §6018.103)

Newspaper—paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and matters of public interest (including magazines and junk mail). [Ord. 2010-1]

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 being subject to such rights and duties.

Plastic bottles—empty and clean consumer product containers made of polyethylene terephthalate (PET) polypropylene (PP), high-density polyethylene (HDPE) and low-density polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk and other consumer food products for household cleaning products or for personal care products marked with recycling numbers 1 through 7. [Ord. 2010-1]

Processing—any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to covert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to,

transfer facilities, composting facilities, incinerators, recycling facilities, and resource recovery facilities.

Recyclables / recyclable materials—those materials specified by the Township for separation, processing, recovery or reuse as part of a recycling program. [Ord. 2010-1]

Recycling—the program or system of separation, collection, processing, recovery, or reuse of recyclables. [Ord. 2010-1]

Regular—at least three or more times per month.

Refuse—the collective term applying to all garbage, rubbish, ashes, leaves, and grass trimmings from residential, municipal, commercial, or institutional premises.

Residential municipal waste—municipal solid waste as herein defined that is generated at a dwelling unit. [Ord. 2010-1]

Residual waste—any garbage, refuse, other discarded material, or other waste, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, mining, and agricultural operation and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided, that it is not hazardous. [Ord. 2010-1]

Solid waste—any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials. (Pennsylvania Solid Waste Management §103, 35 P.S. §6018.103)

Steel cans—clean, nonaerosol and empty all-steel (ferrous metal) or bimetal beverage and food containers. [Ord. 2010-1]

Storage—the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of 1 year constitutes disposal.

Township—Heidelberg Township, Lehigh County, Pennsylvania.

Transportation—the off-site removal of any municipal waste generated or present at any time from Heidelberg Township.

(Ord. 1-85, 6/7/1985, Art. II; as amended by Ord. 2010-1, 4/8/2010)

§20-103. Storage of Municipal Waste.

1. *General.* It shall be the duty of every owner of property and every person occupying any dwelling unit, premises, or place of business within the Township where municipal waste is produced and is accumulated, by his own expense and cost to provide and keep at all times, a sufficient number of containers to hold all municipal wastes which may accumulate during the intervals between collection of such municipal waste by an authorized collector.

2. *Storage on Residential Properties.*

A. *Containers.* All municipal waste accumulated by owners of each property and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, water tight, and made of metal or plastic. The size of each such container shall not exceed a 30-gallon capacity.

B. *Location of Containers.* Each municipal waste container shall be located so as to be accessible to the collector at ground level and at a point on the curb line of the street, or within no less than 10 feet of the public street or alley right-of-way from collection from a vehicle can be made. Failure to place containers at such locations may result in discontinuance of service.

3. *Storage on Commercial, Institutional, and Industrial Properties.*

A. *Containers.* Storage of municipal waste on commercial, institutional, and industrial properties shall be done in the same type of containers as are required for residential properties except where the accumulation for each commercial, institutional, or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Such special arrangements shall include the following:

(1) The type of special bulk container to be furnished by the collector and as may be approved by the Township.

(2) The number of such containers as shall be agreed to between the collector and such owner or occupant of the commercial, institutional, or industrial property to be used in any collection period.

B. *Location of Containers.* Containers for collection at commercial, institutional, and industrial properties shall be located on such premises at a place agreed upon by such owner or occupant of the commercial, institutional, and industrial property and the authorized collector and shall not be unsatisfactory to the Township. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, or entrances and exits of public or private buildings.

(*Ord. 1-85, 6/7/1985, Art. III*)

§20-104. Authorized Collectors.

It shall be unlawful for any person or corporation other than persons or corporations registered with and licensed by the Commonwealth of Pennsylvania to collect and/or transport waste of any nature as a regular hauling business within or from the Township.

(*Ord. 1-85, 6/7/1985, Art. IV; as amended by Ord. 2010-1, 4/8/2010*)

§20-105. Transportation of Solid Waste.

Any person transporting solid waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

(*Ord. 1-85, 6/7/1985, Art. V*)

§20-106. Unlawful Disposition of Solid Waste.

1. It shall be unlawful for any person to deposit for collection any solid waste including bulky items not generated at the address from which collection is made or to bring any solid waste into the Township or from any address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection except when authorized by the Township.

2. All municipal waste produced, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at disposal facilities approved by the Commonwealth of Pennsylvania except when authorized by the Township.

(*Ord. 1-85, 6/7/1985, Art. VI; as amended by Ord. 2010-1, 4/8/2010*)

§20-107. Exclusions.

1. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to a State permitted disposal facility.

2. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm produced agricultural wastes.

3. The provisions of this Part do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply, therefore, to hazardous or residual wastes as defined by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

(*Ord. 1-85, 6/7/1985, Art. VII*)

§20-108. Bulky Waste.

Bulky waste which is not collected by the normal or weekly residential collection shall be stored outside of a building or accessory building on any land in the Township, except for a period not exceeding 14 days pending the special handling for disposal of the bulky waste.

(*Ord. 1-85, 6/7/1985; as added by Ord. 2010-1, 4/8/2010*)

§20-109. Construction and Demolition Waste.

All waste materials resulting from the building, structural alteration, repair, construction or demolition of building or structure shall be disposed of as permitted by the regulations of the State Department of Environmental Protection or by pertinent ordinances or regulations of the Township. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with the applicable laws and regulations.

(*Ord. 1-85, 6/7/1985; as added by Ord. 2010-1, 4/8/2010*)

§20-110. Exclusions.

1. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular basis or unscheduled basis to a State permitted disposal facility or to the disposal facility in accordance with the regulations of the disposal facility.

2. Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or the spreading of manure or other farm-produced agricultural waste, not otherwise prohibited or regulated for land application.

3. The provisions of this Part do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply, therefore, to

hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable State and Federal laws and regulations.

(*Ord. 1-85, 6/7/1985; as added by Ord. 2010-1, 4/8/2010*)

§20-111. Recyclables.

1. *Introduction.* The Township, recognizing the reclaiming of recyclable materials is an important method for addressing the growing solid waste disposal problem through conserving landfill space and that recycling conserving natural resources, reduces energy consumption and promotes the general interest, and to be in compliance with Pennsylvania Act 101-1988, 53 P.S. §4000.101 *et seq.*, does hereby authorize and encourage collection, processing, storage, transporting, and recycling materials in accordance with the provisions of this Part.

2. *General.* Recyclables separated for the purpose of materials recovery rather than disposal and collected by a contractor shall not be considered solid waste as defined under this Part and shall be subject to the provisions of this Part which require the disposal of waste at State-approved facilities.

3. *Establishment of Program.* The Township hereby establishes a program for the mandatory separation of recyclables from solid waste by persons residing in the Township and by commercial, institutional and industrial establishments.

4. Items to be recycled:

- A. Newspapers, high grade office paper and corrugated paper.
- B. Glass.
- C. Aluminum and steel cans.
- D. Plastic bottles.

5. *Collection by Unauthorized Person(s).* From the time of placement of recyclable items at the curb or other designated location or at a drop off center as designated by the Township, the recyclable materials shall become the property of the contractor. It shall be a violation of this Part for any unauthorized person to collect, pick up or cause to be collected or picked up any such items. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.

6. *Unlawful Disposal of Recyclables.* Upon and after the effective date of this Part, it shall be unlawful for any person or persons to dispose of any recyclable items as established above commingled with any other solid waste not required to be recycled or to dispose of such items in other places that will not insure that items are recycled unless the material is so contaminated that it is unacceptable for recycling.

7. *Frequency of Collection.* Authorized recycling contractors shall collect the curbside recycling at a minimum of every 2 weeks from the residences and places of business which they serve.

(*Ord. 1-85, 6/7/1985; as added by Ord. 2010-1, 4/8/2010*)

§20-112. Penalties and Remedies.

1. Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 less than \$100 nor 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. 2010-1*]

2. In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove such solid waste after 10 days following written notice, the Township may cause the solid waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law.

(*Ord. 1-85, 6/7/1985, Art. VIII; as amended by Ord. 2010-1, 4/8/2010*)

