

**MIDDLE PAXTON TOWNSHIP  
BOARD OF SUPERVISORS  
DAUPHIN COUNTY, PENNSYLVANIA**

**ORDINANCE 98-53**

AN ORDINANCE PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP OF MIDDLE PAXTON BY REGULATING THE COLLECTION, STORAGE, TRANSPORTATION, REMOVAL, DUMPING, DEPOSIT, DISPOSAL AND RECYCLING OF MUNICIPAL SOLID WASTE AND PROVIDING FOR THE AUTHORIZATION OF A MUNICIPAL WASTE COLLECTOR, LICENSING AND PENALTIES FOR VIOLATION OF THIS ORDINANCE

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Commonwealth of Pennsylvania, as follows:

**ARTICLE I. GENERAL**

Section 1. Short Title. This Ordinance shall be known as the "Middle Paxton Township Municipal Solid Waste and Recycling Ordinance."

Section 2. Purpose. The purpose of this Ordinance is to provide for the health, safety and welfare of the residents of the Township of Middle Paxton by regulating the collection, storage, transportation, removal, dumping, deposit, disposal and recycling of solid waste by:

- A. Instituting a comprehensive solid waste management program.
- B. Establishing a recommended recycling program.

Section 3. Definitions. The following words and phrases, when used in this Ordinance, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

Aluminum Cans - Clean, non-aerosol, empty aluminum beverage and food containers.

Authorized Collector - Person, firm or corporation licensed or contracted by the Township of Middle Paxton to handle municipal waste and recyclables in accordance with the provisions of this Ordinance.

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, plumbing fixtures, furniture, large crates, tools,

machinery or parts thereof, and similar items in size shall be considered Bulky Waste.

Commercial Establishments - Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

Construction and Demolition Waste - Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster and brick, conduit, pipe, insulation, and other material which results from a construction, demolition, or remodeling process.

Corrugated Cardboard - Paper boxes constructed in a corrugated manner and used as containers for business and consumer applications.

Dwelling Unit - Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by one (1) family. This definition includes a mobile home. Any Multi-Family Establishment of two (2) or three (3) dwelling units is included in this definition

Exclusive Contract - An agreement entered into by the Township of Middle Paxton with a private person or corporation for the collection and disposal of all municipal residential waste and/or recyclables within the Township of Middle Paxton to the extent provided by this Ordinance and the agreement.

Glass - Clear (flint) or colored glass bottles and jars. Expressly excluded from this definition of glass are blue glass, lead crystal, porcelain, ceramic products, mirrors, tempered or plate glass, and light bulbs.

High-Grade Office Paper - Any bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper, and computer paper.

Industrial Establishments - Any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, and refineries.

Institutional Establishment - Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Multi-Family Establishments - Rental housing apartment buildings or apartment complexes which have four (4) or more dwelling units, and condominium associations and homeowners associations of four (4) or more dwelling units which are established and organized in such a manner that the association provides common services for the residents of the housing development. This definition shall also include apartment buildings and

apartment complexes owned and operated by institutional establishments if this institutional establishment charges a rental fee for the dwelling units.

Municipal Establishment - Any facility or building owned or operated by a local government or county government, local government or county government authority, State Government or agency, or Federal Government or agency.

Municipal Waste - Any garbage, refuse, industrial lunchroom or office waste and any other material including solid, liquid, semi-solid or contained gaseous materials resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, and sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional waste supply treatment plant, waste water treatment plant or air pollution control facility. (Pennsylvania Act 101, Section 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 excluding magazines, and other glossy paper.

Non-Residential - Commercial, industrial, institutional, and municipal establishments.

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

Plastic Bottles - Empty clean consumer product bottles made of Polyethylene Terephthalate (PETE), High Density Polyethylene (HDPE), and most commonly, but not limited to, plastic bottles used as containers for soda, milk and other consumer food products, or for household cleaning products or for personal care products.

Recyclables/Recyclable Materials - Those materials specified by the Township of Middle Paxton for separation, collection, processing, recovery, or reuse as part of a recycling program.

Recycling - The program or system of separation, collection, processing, recovery, or reuse of recyclables.

Residential Unit - (See Dwelling Unit)

Residential Municipal Waste - Municipal solid waste, as herein defined, that is generated at a dwelling unit.

Residual Waste - Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, and agricultural operations and any sludge from an industrial, mining, and agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act". The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law."

Solid Waste - Any waste, including but not limited to, municipal residual or hazardous waste, including solid, liquid, semi-solid or contained gaseous materials. (Pennsylvania Solid Waste Management Act, Section 103).

Steel Cans - Clean, non-aerosol, empty all-steel (ferrous material) or bi-metal beverage and food containers.

Township - The governmental jurisdiction and legal entity of the Township of Middle Paxton, Dauphin County, Pennsylvania.

## ARTICLE II. STORAGE, HANDLING, AND DISPOSAL OF MUNICIPAL WASTE

Section 1. General - It shall be the duty of every owner of property and every person occupying a dwelling unit, premises, or place of business within the Township where municipal waste is generated and accumulated, at his/her own expense and cost, except as otherwise specified in this Ordinance, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector; and to insure the sanitary and legal disposal of such waste in accordance with this Ordinance and all other Township, State and Federal applicable laws and regulations.

### Section 2. Storage on Residential Property.

A. Containers. All municipal waste accumulated by owners of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, watertight, and made of rust-resistant metal or plastic. The size of each container shall not exceed a thirty-three (33) gallon capacity and the weight shall comply with OSHA requirements unless Bulky (dumpster type) containers are used.

B. Location of Containers. Each municipal waste container and (if applicable) curbside recyclable container shall be placed for collection so as to be

accessible to the collector at ground level and at a point immediately behind the curb line of the street within no more than 10 feet of the cartway of the street from which the collection with a vehicle is made if there is no curbing, or at a location mutually agreeable between the resident, the Township, and the collector. Failure to place containers at such locations may result in waste not being picked up. Waste containers and curbside recyclable containers shall be placed for collection no earlier than one day prior to the scheduled collection and shall be removed from the collection site the day of collection once collection has been made. At all other times, all municipal waste and curbside recyclable containers must be stored within the property lot lines away from the right-of-way of any street or road. Locations for collection of recyclable material shall be as specified by the Township. The location of Bulky containers at multi-family establishments shall be in accordance with Section 3, Paragraph B below.

Section 3. 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. The vehicles used to transport or convey solid waste shall be leak-proof and enclosed to the extent necessary to ensure no loss or spillage of waste from the vehicles; the Township shall have the authority to inspect the vehicles used for the transport of solid waste as it deems necessary.

Section 4. Disposal of Municipal Waste. All municipal waste produced, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at a landfill or other disposal facility licensed or permitted by the Commonwealth of Pennsylvania Department of Environmental Protection and designated by the County of Dauphin through its municipal solid waste management plan as developed and implemented by the Dauphin County Intermunicipal Solid Waste Authority (DCISWA). The Township reserves the right to make inspections of authorized collectors to insure that waste generated within the Township is being disposed of in an authorized or designated facility. Any authorized collector found to be in violation of this section shall have his license to collect or haul municipal waste in the Township revoked.

Section 5. Unlawful Deposit for Collection of Municipal Waste. It shall be unlawful for any person to deposit for collection any solid waste including Bulky Waste not generated at the address from which collection is made or to bring any solid waste into the Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.

Section 6. Bulky Waste. Bulky Waste which is not collected by the normal or weekly residential collection shall not be stored outside of a building or accessory building on any land in the Township, except for a period not exceeding fourteen (14) days pending the special handling for disposal of the Bulky Waste. It shall be unlawful for any person to place Bulky Waste on any property other than on the property at which it was generated or directly associated with. Bulky

Waste shall be disposed of at a State permitted or licensed disposal facility, a facility especially designed by the Township to take such Bulky items or a legitimate salvage dealer that is in the business of disposing or recycling such items.

Section 7. Construction and Demolition Waste. All waste materials resulting from the building, alteration, repair, construction or demolition of buildings or structures shall be disposed of as permitted by the Regulations of the State Department of Environmental Protection or pertinent Ordinances or regulations of the Township. It shall be the responsibility of the property owner and the contractor to ensure the disposal of such waste in accordance with applicable laws and regulations.

Section 8. Exclusions.

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

B. The provisions of this Ordinance 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 and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable State and Federal laws and regulations.

ARTICLE III. SERVICE FEES AND BILLING

Section 1. General. It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premise, or place of business within the Township where municipal waste is produced, accumulated and collected as required by this Ordinance to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this Ordinance, to a licensed hauler or to the Township.

Section 2. Service Charges to be Based on Volume of Waste Collection. To encourage and maximize recycling, all municipal waste fees paid either to a licensed hauler, an exclusive contractor, or the Township, shall be based upon the volume of waste collected at residential units. To effectuate this provision the following guidelines are hereby established:

A. Licensed haulers shall be required, prior to obtaining a license from the Township, to file with the Township a complete schedule of rates showing evidence that their rates are established on a volume basis and said rates shall be refiled with the Township annually upon license renewal.

- B. At community activities:
1. Newspapers
  2. Glass
  3. Plastic bottles
  4. Aluminum and steel cans
  5. High grade office paper

Section 5. Residential Units.

A. The Township or its authorized agent shall establish and promulgate regulations on the manner, days, and time of collection of recyclable materials, and for the bundling, handling, location, and time of placement of such materials for collection. Regulations shall be promulgated for each of the programs undertaken, including but not limited to the residential, multi-family and commercial sources of recyclable materials .

B. Recyclable materials shall be placed at the curb or other designated area, separated from solid waste, for collection.

C. Containers for curbside recyclables will be as specified by the Township or as provided by the Township directly or through exclusive contract for collection of recyclables.

Section 6. Abandonment by Owner. Nothing in this Ordinance shall be deemed to impair the ownership of recyclable materials by the person who generated them until such recyclable materials are abandoned by such owner. Recyclable materials shall be deemed abandoned when picked-up at curbside by a licensed Township hauler, its agents or its independent contractors.

Section 7. Collection by Unauthorized Person(s). From the time of pick-up of recyclable items at the curb or designated location, or at a drop-off center as designated or authorized by the Township, the recyclable items shall become the property of the licensed Township hauler or its authorized agent or contractor. It shall be a violation of this Ordinance for any person unauthorized by the Township 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.

## ARTICLE V. PENALTIES AND REMEDIES

Section 1. Penalties. Any person violating any of the provisions of this Ordinance shall, upon conviction by a district justice, be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the cost of prosecution, or imprisonment in the Dauphin County Prison for a period of not more than thirty (30) days. Every violator of the

provisions of this Ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.

Section 2. Other Remedies. 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 five (5) days following written notice, the Township may cause the solid waste to be collected and disposed of with the costs of such action to be charged to the owner or occupant of the property in a manner provided by law.

Section 1. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

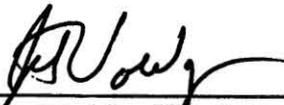
Section 2. Other Amendments. This Ordinance or any part thereof may be amended from time to time in accordance with the procedures as established by law.

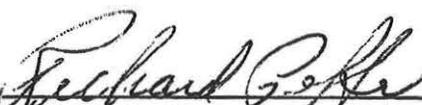
This Ordinance shall become effective the 1 day of JULY, 1998.

ENACTED INTO LAW as Ordinance 98- this 4 day of MAY, 1998.

ATTEST:

MIDDLE PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
J. Thomas VanWagner

  
\_\_\_\_\_  
Richard Pepper, Chairman

  
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J. Thomas VanWagner

  
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Jeremy Smith