

Chapter 20

Solid Waste

Part 1

Collection, Dumping, Storage and Depositing of Ashes, Garbage and Rubbish

- §20-101. Definitions
- §20-102. General Regulation
- §20-103. Licensing of Collector
- §20-104. Collection
- §20-105. Accumulation of Refuse Prohibited
- §20-106. Regulation of On-Site Burning of Leaves and Brush
- §20-107. Exclusions from this Part
- §20-108. Penalties

Part 1**Collection, Dumping, Storage and
Depositing of Ashes, Garbage and Rubbish****§20-101. Definitions.**

Ashes - residue from the burning of coal, coke, or other combustible material including, but not limited to, fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term includes such materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation.

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth.

Garbage - any refuse containing animal, vegetable and other organic substances, subject to fermentation or decay, including matters liquid or solid.

Hazardous waste - any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear, or by-product material as defined by the U. S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "hazardous waste" 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," 52 P.S. §30.51 *et seq.* "Hazardous waste" 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," 35 P.S. §691.1 *et seq.*

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 hereunder from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

Occupant - person generally in possession or control of any premises within the Township.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency (including, but not limited to, the Department of General Services and the State Public School Buildings Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Refuse - ashes, garbage, rubbish and solid waste material.

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 operations and any sludge from an industrial mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act," 52 P.S. §30.51 *et seq.* "Residual waste" 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 "Clean Streams Law," 35 P.S. §691.1 *et seq.*

Rubbish - glass, metal, paper, wood or other non-putrescible solid waste.

Solid waste - any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

Township - the Township of Covington, Tioga County, Pennsylvania.

(Ord. 2-1988, 6/7/1988, §1)

§20-102. General Regulation.

All domestic, commercial and industrial ashes, garbage, rubbish and solid waste, regardless of its source of generation, accumulated, stored or disposed of upon any property in the Township, shall be collected and removed only by the generator thereof or by a collector who shall be licensed by the Township, and such ashes, garbage, rubbish and solid waste shall be disposed of only in an area authorized by the Board of Supervisors of the Township, such disposal area to be in compliance with all State regulations.

(Ord. 2-1988, 6/7/1988, §2)

§20-103. Licensing of Collectors.

1. No person, other than the generator thereof, shall collect, remove, haul or convey any ashes, garbage, rubbish or solid waste through or upon any of the streets, roads or alleys in the Township or dispose of the same in any manner or place without first obtaining a license from the Board of Supervisors of the Township.

2. The fee for such license shall be in an amount as established from time to time by resolution of the Board of Supervisors, all licenses to be issued for the calendar year,

or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the license fee for any license issued after the beginning of any calendar year. [Ord. 1-2004]

3. Every person who shall apply for a license under this Section shall state the type or types of refuse to be collected, the manner of collection, and the place and method of disposal.

4. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Part.

5. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him as stated in his application without first obtaining the approval of the Board of Supervisors.

6. It shall be unlawful to permit an unlicensed collector to collect, remove or dispose of any refuse within the Township.

7. The Board of Supervisors may revoke the license of any collector for non-compliance with the provisions of this Part.

(Ord. 2-1988, 6/7/1988, §3; as amended by Ord. 1-2004, 6/21/2004)

§20-104. Collection.

1. Every person or occupier, at whose premises ashes, garbage, rubbish or solid waste is accumulated or generated, shall provide and maintain watertight receptacles for the temporary storage of such refuse and shall maintain such receptacles in clean and sanitary condition.

2. Every such person or occupier shall remove, or shall secure the removal of all such ashes, garbage, rubbish or solid waste by a licensed collector, on a regular basis, but in no event shall such removal be less frequently than twice a month.

(Ord. 2-1988, 6/7/1988, §4)

§20-105. Accumulation of Refuse Prohibited.

No ashes, garbage, rubbish or solid waste, regardless of the source of generation, shall be allowed to be accumulated on the ground or deposited upon any of the highways, streets or alleys in the Township, upon vacant lots or other property, nor shall such refuse be thrown into any stream or other body of water.

(Ord. 2-1988, 6/7/1988, §5)

§20-106. Regulation of On-Site Burning of Leaves and Brush.

On-site burning of leaves and brush shall be permitted during such specific time periods as may be designated by resolution of the Board of Supervisors of the Township.

(Ord. 2-1988, 6/7/1988, §7)

§20-107. Exclusions from this Part.

The provisions and regulations of this Part shall not apply to the following:

A. Agricultural waste produced in the course of normal farming operations, or to the use of food processing wastes in the course of normal farming operations, provided that such wastes are not classified as hazardous.

B. Short term storage of by-products which are utilized in the processing or manufacturing of other products, to the extent that such by-products are not hazardous and do not create a public nuisance or adversely affect the air, water and other natural resources.

C. Agricultural utilization of sewage sludge as a part of a normal farming operation when such utilization is accomplished according to the regulations of the Pennsylvania Department of Environmental Protection. [*Ord. 1-2004*]

D. The words and phrases when used in this section shall have the meanings given to them in Section 103 of the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.103, and the regulations issued pursuant thereto.

(*Ord. 2-1988, 6/7/1988, §8; as amended by Ord. 1-2004, 6/21/2004*)

§20-108. 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. 2-1988, 6/7/1988, §9; as amended by Ord. 1-2004, 6/21/2004*)