

**ORDINANCE NO. 17- 02**

**TOWNSHIP OF MORGAN**

**GREENE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF MORGAN, COUNTY OF GREENE, PENNSYLVANIA, AMENDING ORDINANCE 99-04, PROVIDING FLOW CONTROL REQUIREMENTS TO DIRECT WASTE TO DESIGNATED PROCESSING AND/OR DISPOSAL SITES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, Morgan Township previously adopted Ordinance 99-04 concerning the collection of refuse; and

**WHEREOF**, it is now deemed necessary for the protection of the health, cleanliness, comfort, and safety of the citizens of the Township of Morgan to enact this Ordinance.

**NOW THEREFORE**, pursuant to the authority conferred upon it by the Pennsylvania Second Class Township Code, the Board of Supervisors of the Township of Morgan, Greene County, Pennsylvania, do hereby ENACT AND ORDAIN the following:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known and cited as the Township Morgan "REFUSE DISPOSAL ORDINANCE".

**SECTION 2. GENERAL SCOPE**

The subject matter of this Ordinance is the regulation of the storage, collection and disposal of refuse; the licensing of refuse collection; and prescribing penalties for violation.

**SECTION 3. DEFINITIONS**

The following terms, whenever used in this Ordinance, shall have the meaning indicated in this section, except where the context indicates a clearly different meaning:

**A. ACT 101-** the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528) Act 1988-101, July 28, 1988.

**B. ASHES-** the residue resulting from the burning of wood, coal, coke, or without combustible material.

**C. COMMERCIAL CUSTOMERS-** shall include any person, partnership, limited partnership, unincorporated association, institution, trust corporation, governmental agency, or any other body engaged in business or situated in the Township of Morgan, employing one or more employees engaged in any occupation other than domestic services.

**D. COMPENSATION-** salaries, wages, commissions, tips, bonuses, fees, gross receipts, or any other earned income.

**E. DEPARTMENT OR DEP** – shall mean the Pennsylvania Department of Environmental Protection.

**F. DISPOSAL** – the storage, collection, disposal or handling of refuse.

**G. DWELLING UNIT**- shall be construed to mean every individual or group of individuals occupying or using a dwelling of whatsoever nature or kind, or a part of the same, where food is separately prepared for the use or consumption of such occupant.

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

**I. HAZARDOUS WASTE**- solid waste with certain inherent dangers. This category includes, but is not limited to chemicals, acids, explosives, pathological wastes and radioactive materials.

**J. INSTITUTION WASTE**-all solid waste emanating from institutions such as doctor's offices, hospitals, nursing homes, orphanages, schools, and universities.

**K. LICENSED COLLECTOR OR WASTE HAULER**- shall mean any municipal waste collector or hauler possessing a current license issued by the Township of Morgan pursuant to this Ordinance.

**L. MUNICIPAL WASTE LANDFILL**-any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DEP for such purposes.

**M. OCCUPATION**- Any livelihood, job, trade, profession, business or enterprise of any kind, including services, domestic or other, for which monetary compensation is received or charged.

**N. PERSON**- a natural person, corporation, municipality, partnership, association, institution, cooperative enterprise or legal entity.

**O. REFUSE**- all solid waste, except body waste, hazardous waste and institutional waste, and shall include garbage, garbage, ashes and rubbish.

**P. RESIDENTIAL CUSTOMER**-the definition of Section 3 (G) is applicable.

**Q. RUBBISH**-shall be construed to mean all glass, metal, paper, plant growth, wood or non-putrid solid wastes.

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

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

#### **SECTION 4. STORAGE PRACTICES**

**A. Preparation of refuse**

1. All refuse shall be drained free of liquids before disposal.
2. Garbage shall be wrapped in paper or similar material.
3. Rubbish shall be (a) placed in approved containers or (b) cut and bailed, tied, bundled, stacked or packaged so as not to exceed thirty six (36) inches in length and fifty (50) pounds in weight.

**B. Refuse containers.**

1. Refuse containers shall be made of durable and watertight material.
2. Refuse containers shall be of not less than five (5) gallons and not more than fifty five (55) gallons in capacity.
3. It shall be unlawful to permit the accumulation of residue of liquids, solids, or a combination of such material on the bottoms or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by through rinsing and draining as often as necessary.

**C. Storage of refuse.**

1. Each household, commercial establishment, or person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein; except as provided in Section 4 (A), 3(b), of this Ordinance relating to handling or rubbish.
2. It shall be unlawful to place refuse in any street, alley, stream, body of water, or any other public place, or upon private property, whether owned or not, unless such refuse is placed in an approved container, except that rubbish may be stored as provided in Section 4 (A), 3(b), of this Ordinance.
3. It shall be unlawful for any person, commercial establishment, or institution to place or deposit any hazardous or institutional waste in refuse containers and is hereby declared a nuisance, detrimental to the public health and safety and to the inhabitants of Morgan Township.

#### **SECTION 5. COLLECTION PRACTICES**

**A. Place of collection.**

1. Refuse containers shall, for the purpose of collection, be placed at ground level, and be made readily accessible to the collector. They shall be placed on the side of street from which collection is to be made.

2. Notwithstanding provisions of Section 5(A), 1, of this Ordinance, households, commercial establishment, or other persons, may, by contact with collectors, be permitted to place containers at agreed places upon their premises.

**B. Frequency of collection.**

1. The frequency of collection for residential customers, institutions and commercial establishments shall be once weekly. However, if hotels, restaurants, institutions and commercial establishments are required to have more frequent collection as determined by the Township to be essential to protect health then said collection shall be reflected in the monthly cost.
2. The licensed collector shall schedule at least one (1) spring cleanup for the residential customers in either of the months of April through June; whereupon the licensed collector will accept all household items.
3. The licensed collector shall not make any change in the arrangements for disposal of refuse collection by him without first receiving the approval of the governing body.
4. The Morgan Township shall have the right to designate specific municipal waste processing and/or disposal facilities where all licensed collectors must transport and dispose all municipal waste collected within the Township

**C. Licensing of collectors.**

No person shall collect, remove, haul, or convey any refuse through or upon any of the streets or alleys of Morgan Township or dispose of the same in any manner or place without obtaining a license from the appropriate Commonwealth agency.

**D. Refuse from owner's property only.**

No owner or occupant of a dwelling unit, institution or commercial enterprise shall permit the collection of garbage, refuse, or rubbish, from their property if the aforesaid is the product of another dwelling unit, institution or commercial enterprise; and said attempt act shall be a violation of this ordinance.

**SECTION 6. STANDARDS FOR COLLECTION AND TRANSPORTATION**

A. All collectors or waste haulers operating within Morgan Township must comply with the following minimum standards and regulations:

1. All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the collection and transportation of municipal waste.

2. All collection vehicles conveying municipal waste shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
3. All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.
4. All collection vehicles conveying non-putrescible municipal waste shall be capable of being enclosed or covered to prevent litter and other nuisances.
5. All collection vehicles conveying municipal waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of municipal waste transported by the vehicle. All such signs shall have lettering which is at least six (6) inches in height as required by Act 101.

B. All collection vehicles and equipment used by licensed collector or haulers shall be subject to inspection by Morgan Township or its authorized agents at any reasonable hour without prior notification.

#### **SECTION 7. PROHIBITED ACTIVITIES**

A. It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial, industrial establishment within Morgan Township without first securing a license to do so in accordance with the provisions of this Ordinance.

B. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within Morgan Township in a manner not in accordance with the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of DEP's Municipal Waste Management Regulations.

C. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within Morgan without prior approval from the Township.

#### **SECTION 8. PUBLIC LIABILITY INSURANCE**

No license shall be issued to any collector who is unable to furnish the Township evidence of public liability insurance in an amount not less than One Hundred Thousand (\$100,000) Dollars and property damage in an amount not less than Fifty Thousand (\$50,000) Dollars.

#### **SECTION 9. CUSTOMER LIST**

Licensed collectors shall provide to the Supervisors of Morgan Township within seven (7) calendar days of their written demand, a list of all customers within their respective areas. It shall be further be the duty and responsibility of the Licensed Collector to provide a customer list to said Township of any changes to said list within seven (7) days of said change. Failure to provide

the customer list as set forth herein shall subject the collector for a violation with penalties as set forth in Section 13.

#### **SECTION 10. REQUIRED COLLECTION**

Households, commercial establishments, or other persons are required by Morgan Township to have their garbage, refuse, rubbish, waste, or ashes collected by a licensed collector. The licensed collector shall inform the households, commercial establishments, other persons, and the Township that payment of a fee has not been received within sixty (60) days of the due date, and the requested collection for the households, commercial establishments, etc. is terminated. The Code Enforcement Officer of Morgan Township shall forthwith file a citation that the aforesaid is in violation of this Ordinance.

#### **SECTION 11. DISPOSAL OF REFUSE**

It shall be unlawful to dump, bury, destroy, or otherwise dispose of refuse within the jurisdictional limits of Morgan Township, except at a site approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

#### **SECTION 12. LANDLORD DUTY**

It shall be the duty of all landlords and owners of dwelling units in Morgan Township to notify the Township Secretary within seven (7) days of the entering into a lease or agreement for the use of said dwelling unit of the tenant's name, address, and the date of said lease or agreement. Failure to provide this information to the Township will be a violation of this Ordinance and the landlord shall be cited forthwith.

#### **SECTION 13. PENALTIES FOR VIOLATION**

Any person, firm or corporation who shall violate any provision of this Ordinance shall be immediately subject to citation and upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance continues after notice, shall constitute a separate offense.

#### **SECTION 14. INJUNCTIVE POWERS**

Morgan Township may petition the Greene County Court of Common Pleas for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.

#### **SECTION 15. REPEALER**

Any ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

#### **SECTION 16. SEVERABILITY**

If any Sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality, or invalidity shall not effect

or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 17. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon final enactment.

**ORDAINED AND ENACTED INTO LAW** by the Board of Supervisors of Morgan Township, Greene County, Pennsylvania, this 3rd day of October, 2017.

ATTEST:

  
Reida K. Litten, Secretary/ Treasurer

MORGAN TOWNSHIP  
BOARD OF SUPERVISORS


BY:

  
James E. Gayman, Sr., Chairman

BY:

  
Shirl Barnhart, Vice- Chairman

BY:

  
Dominick Barbetta Supervisor