



**PENN TOWNSHIP  
CUMBERLAND COUNTY  
BOARD OF SUPERVISORS**

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**ORDINANCE NO.   3   OF 2009**

**AN ORDINANCE OF THE TOWNSHIP OF PENN, CUMBERLAND COUNTY,  
PENNSYLVANIA, PROVIDING FOR THE REMOVAL OF SOLID WASTE GENERATED  
WITHIN THE BOUNDRIES OF THIS MUNICIPALITY, AND THE PENALTIES FOR  
VIOLATION THEREOF, TO BE KNOWN AS  
THE PENN TOWNSHIP SOLID WASTE ORDINANCE**

# PENN TOWNSHIP SOLID WASTE ORDINANCE

## SECTION I – SOLID WASTE

1.1 **Purpose** - The purpose of this ordinance is to protect the health, safety, and general well being of the citizens of Penn Township. This ordinance is also meant to enhance and maintain the quality of the environment, conserve natural resources, promote recycling, and prevent land, water, and air pollution.

### 1.2 Definitions

1.2a Acceptable Curbside Waste: Wastes acceptable for curbside pickup shall include all non-commercial ordinary household and municipal solid wastes which consist primarily of combustible materials, and are not listed under the definition of Unacceptable Curbside Waste.

1.2b Approved Disposal Facilities: Shall mean any land or structure, or combination of land area and structures used to legally dispose of waste. Such facilities include, but are not limited to, landfills, transfer stations, indoor storage facilities, salvage yards, recycling centers, compost facilities, and incinerators.

1.2c Commercial Waste: Shall mean any waste from a business or institution that is not considered a home based business or occupation. All such commercial properties shall be responsible for providing their own waste removal services. A home based business or occupation is defined in Article III, Section 302 of the Penn Township Zoning Ordinance. For purposes of curbside waste removal services, home based businesses or occupations shall not be considered commercial. Any building(s) under construction or demolition, whether commercial, institutional, or residential, are considered commercial for the purposes of curbside waste removal services.

1.2d Disposal: Shall mean the discharge, deposit, burning, dumping, or placing of any Solid Waste into or on any land or body of water, or the incineration of any solid waste.

1.2e Hazardous Waste: Shall mean any waste which by reason of its composition, characteristics or other inherent properties is dangerous to handle by ordinary means, or which may present a substantial risk to health or safety, or which presents a reasonable possibility of adversely affecting the operation of the disposal facilities. Hazardous Waste shall also mean waste which is defined as harmful, toxic, dangerous, or hazardous at any time, pursuant to any federal, state, county or local codes, statutes or laws, provided that any such materials which are later determined not to be harmful, toxic, dangerous or hazardous by any government agency or unit having appropriate jurisdiction shall not be "Hazardous Waste" unless a contrary determination has been made by any other governmental agency or unit having appropriate jurisdiction. Examples of Hazardous Waste include, but are not limited to, antifreeze, pesticides, explosives, mercury containing items, and biological or pathological wastes.

1.2f Municipality : Shall mean Penn Township, Cumberland County

1.2g Resource Recovery: Shall mean the recovery of materials that still have useful physical or chemical properties after serving a specific purpose, and can be reused or recycled for the same or other purposes.

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1.2h Solid Waste: Shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. Solid Waste includes, but is not limited to, rubbish, garbage, trash, scrap materials, junk, refuse, and inert fill materials. Solid Waste does not include sludges from air or water pollution control facilities, septic tank sludge, oil sludge, or agriculture wastes.

1.2i Stump Dump Waste: Tree and bush stumps or roots

1.2j Unacceptable Curbside Waste: Wastes that are not acceptable for curbside pickup include, but are not limited to, the following items:

Any waste not enclosed in a closed container such as a garbage bag or trash receptacle

Car batteries

Commercial waste

Computers, monitors, television sets, or cell phones

Dead animals or portions thereof, or other pathological or biological wastes

Demolition or construction debris

Hazardous waste

Inert waste such as bricks, concrete, asphalt, soil, porcelain fixtures, or rocks

Junk vehicles or other bulky metal items including White Goods

Leaves, brush, grass, or garden clippings

Liquid wastes, sludge, or oils (including motor oil)

Mercury containing items such as fluorescent bulbs, thermometers, and thermostats

Pressure treated wood

Tires

Tree or bush stumps, trunks, limbs, or ashes

Water treatment residues

1.2k Waste Hauler: Any entity, person, or vehicle, which collects and hauls Solid Waste in Penn Township

1.2l White Goods: Such items as refrigerators, freezers, stoves, metal bath tubs, washing machines, dryers, and other large miscellaneous metal items.

# PENN TOWNSHIP SOLID WASTE ORDINANCE

## SECTION II – ADMINISTRATION AND REGULATION

### 2.1 Governing Body

2.1.1 The Board of Supervisors shall establish, by the authority of this Ordinance, such rules and regulations as they deem necessary or convenient to carry out the purposes of this Ordinance. Such rules and regulations may govern the operation and licensing of Waste Haulers

2.1.2 The operation of the approved Waste Hauler shall conform to all pertinent regulations and directives of all local, state, or federal agencies that may have jurisdiction.

## SECTION III – RESTRICTIONS AND FEES FOR DISPOSAL

**3.1 Resource Recovery** - For the purpose of Resource Recovery, the Municipality may require Solid Waste to be separated into such categories as may be established by order of the Board of Supervisors.

### 3.2 Municipal Collection and Delivery

3.2.1 The Board of Supervisors may establish a system for the collection and transportation of waste, and may adopt such rules, regulations, and schedule or charges for such collection and transportation services as may be appropriate

3.2.2 Acceptable curbside waste will only be collected from public roads within the Municipality, unless otherwise designated by the Municipality

3.2.3 Acceptable curbside waste must be placed within 4 ft of the road in a sealed container such as a garbage bag or trash receptacle, sufficient to prevent waste from escaping said container. It is the responsibility of residents to clean up any waste that escapes from the container(s).

**SECTION IV – FINES AND PENALTIES** – Whomever violates any of the provisions of this Ordinance, or rules and regulations established by the Board of Supervisors under this Ordinance, shall be punished by a fine of not more than **one thousand dollars (\$1,000.00) plus costs**. Each load of waste or each day of violation shall be considered a separate violation and subject to a separate fine. Any other costs incurred or caused as a result of the violation will be charged to the violator.

**SECTION V – MISCELLANEOUS**

5.1 The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sentences, clauses, or phrases of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Penn Township that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included herein. Furthermore, it is the intent of this Ordinance to be supplementary to and not contrary to any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

5.3 All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed

5.4 This Ordinance shall take effect and be enforced from and after its approval as provided by law

**DULY ENACTED and ORDAINED** THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009,

By the Supervisors of Penn Township in public session duly assembled

PENN TOWNSHIP

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GARY MARTIN, CHAIRMAN

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KENNETH SHEAFFER, VICE CHAIRMAN

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AMOS SEIDERS, SUPERVISOR

ATTEST: \_\_\_\_\_

PAT SANGIOLOSI, SECRETARY