

ORDINANCE NO. 2012-1

AN ORDINANCE OF THE TOWNSHIP OF WELLS DEFINING AND REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE; REGULATING THE POINT OF COLLECTION AND PREPARATION THEREFORE, HOURS OF OPERATION, SCHEDULES AND THE CONTAINERS REQUIRED FOR COLLECTION; REQUIRING THE UTILIZATION OF SATISFACTORY EQUIPMENT BY CONTRACTORS; REQUIRING FAITHFUL PERFORMANCE; AND PRESCRIBING PENALTIES FOR VIOLATION.

Section 1. Intent and Purpose

All domestic, commercial and industrial refuse accumulated or stored upon any property within Wells Township shall be collected and removed by a responsible person or contractor and shall be disposed of in accordance with the Solid Waste Management Act, 35 P.S. Section 6018.101 et seq, as amended, and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. Section 4000.101 et seq, as amended, and this ordinance.

Section 2. Definitions.

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning appears from the context:

ASHES - Residue from the burning of coke or other combustible material.

CONTRACTOR - An individual or firm who collects and transports municipal solid waste, recycled materials or other waste as defined by this ordinance.

DISPOSAL - Storage, collection, disposal or handling of garbage, rubbish or waste.

DWELLING - Place of residence within Wells Township of one or more persons where refuse is generated through normal living habits. It shall include apartments and buildings devoted to multiple-family occupancy.

GARBAGE - Means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

MUNICIPAL SOLID WASTE (MSW) - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities; and any sludge not meeting the definition of residual or hazardous waster from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

OCCUPANT – A person occupying any dwelling, business or other facility whether or not the legal owner.

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in Wells Township or otherwise having control of the property, including the guardian, executor or administrator of the estate of the owner.

PERSON - Any natural person, association, partnership, firm or corporation.

PLAN – The Fulton County Municipal Waste Management Plan.

RECYCLING – The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as MSW.

REFUSE - All waste, except human body wastes, including garbage and rubbish.

RUBBISH - Glass, metal, paper, plant growth, wood, or non-petruscible solid waste.

WASTE – A material whose original purpose has been completed and which is directed to a disposal facility or is otherwise disposed. The term includes municipal waste, but does not include source-separated recyclable materials or material approved by the Department for beneficial use under Section 271.232 (relating to beneficial use).

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

Section 3. Prohibited.

No garbage or waste shall be allowed accumulate or be deposited on the ground, highways, vacant lots, in buildings or other property or be thrown in any stream or other body of water.

Section 4. Disposal

The occupants of a structure shall dispose of all waste in a clean and sanitary manner by placing such waster in approved containers or garbage bags.

Section 5. Containers Required

The owner of every dwelling, business or facility shall supply and maintain sufficient garbage containers or garbage bags for the collection of waste. The same must be watertight, and all bags must be closed and shall be kept in a clean and sanitary condition. No municipal waste shall be stored by any occupant of the premises outside of a garbage container or garbage bags.

Section 6. Point of Collection.

The contractor shall pick up all refuse on the property, from a location arranged between the contractor and customer.

Section 7. Cost.

The cost of weekly garbage collection shall be determined by agreement between the contractor and customer.

Section 8. Schedules.

Owners shall be responsible for contacting a garbage hauler or contractor for regular collection. Collection shall be made at least weekly. The contractor shall be responsible to notify customers of the days collections will be made.

Section 9. Hours of Operation.

The contractor shall be permitted to collect, remove or transport refuse on all days of the week, except Sunday and the following holidays: New Year's Day; Thanksgiving Day, and Christmas Day.

Section 10. Preparation for Collection.

All garbage, before being placed into receptacles for collection, should have liquid drained from it, as much as practical. Garbage should be wrapped in paper or plastic so as to prevent leakage onto streets and property. Rubbish shall be placed in approved containers, or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the contractor.

Section 11. Equipment of Contractor.

The contractor shall be required to collect and remove refuse in motor-driven vehicle having enclosed steel bodies with steel covers and watertight and leak proof automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse to assure general cleanliness and sanitation throughout the entire process and operation thereof.

The contractor shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him, and to furnish, at his own cost, all vehicles, machinery and equipment necessary for the proper performance of such contract. Collection and transportation equipment shall meet the requirements of the Pennsylvania Waste Transportation Safety Act (Act 90) if applicable.

Section 12. Spills.

No contractor engaged in removing or disposing of refuse shall cause any waste, of any kind, to be scattered or spilled on any streets, highways, walkways, alleys, or driveways within the Township. Any spills caused by any hauler, recycler or individual shall be cleaned up by the violator or the Township may cause any spill to be cleaned up and impose the costs upon the violator at fault.

Section 13. Disposal.

Pursuant to the County Solid Waste Plan, all refuse generated in the Township shall be collected and delivered to the facilities designated by the County for processing and disposal.

Section 14. Billing Procedure

The Contractor shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The contractor shall enter into individual or separate contracts with each householder or occupant of the premises, without liability to or upon Wells Township.

Section 15. Complaints.

The Township Supervisors shall have the right to determine finally the true validity of any complaint made by residents as to the failure of the contractor to collect refuse in accordance with this ordinance, and the Board of Supervisor's decision shall be final and binding upon the contractor.

Section 16. Contractor as an Independent Contractor.

The contractor shall not in any manner be construed as an agent, servant or employee of Wells Township, but shall at all times be considered and remain an independent contractor.

Section 17. Duties of Contractors

It shall be the duty of all contractors to be in compliance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), Waste Transportation Safety Act (Act 90) and other applicable laws. Any contractor shall be required to cooperate with Wells Township in providing information in the event that an action is instituted to enforce the terms of this ordinance.

Section 18. Compost Piles

Notwithstanding the terms of this article, compost piles kept by occupants or tenants of structure shall not violate the terms and conditions of this article, provided that the

materials in the compost piles do not generate any offensive odors and provided further that said compost piles are secure so that animals do not spread the materials from the compost piles around the premises.

Section 19. Penalties.

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof; be sentenced to pay a fine of not less than twenty five dollars (\$25) nor more than six hundred dollars (\$600), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 20. Repealer.

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

Section 21. Severability.

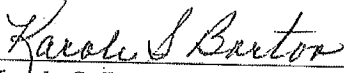
If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Wells Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 22. Effective Date.

This ordinance shall become effective on the date of adoption by Wells Township.

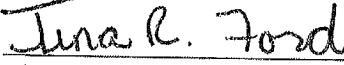
ENACTED AND ADOPTED by the Wells Township Board of Supervisors this 3rd day of January, 2012.

ATTEST:




Karole S. Barton, Secretary

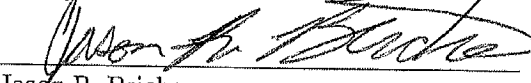
WELLS TOWNSHIP BOARD OF
SUPERVISORS



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