

ORDINANCE NO. 111

(REFUSE)

AN ORDINANCE OF THE TOWNSHIP OF CHARLESTON, TIOGA COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING AND BURNING OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID TOWNSHIP, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE; REQUIRING THAT ALL GARBAGE, RUBBISH AND OTHER REFUSE BE CONVEYED TO A DUMPING AREA DESIGNATED BY THE TOWNSHIP SUPERVISORS FOR ULTIMATE DISPOSAL BY THE SANITARY LAND FILL METHOD; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS IN SAID TOWNSHIP; THE ESTABLISHMENT OF FEES AND CHARGES FOR THE COLLECTION OF GARBAGE, RUBBISH AND REFUSE IN SAID TOWNSHIP AND PROVIDING FOR THE LICENSING OF AUTHORIZED COLLECTORS THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, the collection and disposal of garbage, rubbish, refuse, riff-raff and other waste materials within the Township of Charleston, Tioga County, Pennsylvania, has created a problem relating to the health, safety and welfare of the citizens of said Township; and

WHEREAS, the Supervisors of the Township of Charleston, have determined under the general powers granted by the Second Class Township Code (53PS § 65708) and as a proper exercise of the Police Power to provide for matters relating to the collection and disposal of rubbish, garbage and refuse in said municipalities; and

WHEREAS, pursuant to said authority vested in them by the Second Class Township Code, as amended by the Act of May 9, 1961, P.L. 194, Section 1, the Supervisors of Charleston Township are desirous of enacting an Ordinance regulating the collection and disposal of rubbish, refuse and garbage in said Township.

NOW THEREFORE, be it enacted and ordained by the Township of Charleston, Tioga County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION ONE: DEFINITIONS.

The following words and terms as used in this Ordinance shall have the meanings ascribed thereto, unless the context clearly indicates a different meaning:

"Garbage" - all table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use for which reason they are discarded.

"Refuse" - all combustible refuse and incombustible refuse referred to collectively.

"Combustible Refuse" - all paper, straw, excelsior, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

"Incombustible Refuse" - all discarded articles or materials, except sewage, liquid waste, garbage and combustible refuse.

"Industrial Waste" - all materials and refuse as may result from manufacturing and industrial activities but not including liquids of a poisonous or nuclear nature.

"Rubbish" - All miscellaneous waste material not otherwise included herein such as ashes, tin cans, glass, pottery, prunings from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.

"Riff-riff" - all waste materials too large for collection in the ordinary containers, such as furniture, tanks, stoves and the like.

"Person" - any natural person, association, partnership, firm or corporation.

"Township" - shall mean the Township of Charleston, Tioga County, Pennsylvania.

"Hauler" - any person, firm, co-partnership, association or corporation who has been licensed by the Township to collect, transport and dispose of refuse for a fee as herein prescribed.

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

SECTION TWO: From and after the effective date of this Ordinance, and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the said Township, garbage, refuse, riff-raff and combustible or incombustible refuse or rubbish.

SECTION THREE: It shall be unlawful for any person to dispose of any refuse, garbage, rubbish or riff-riff in said Township except in accordance with the terms of this Ordinance.

SECTION FOUR: LICENSE - It shall be unlawful for any person to haul, transport, collect, remove and dispose of garbage, refuse, rubbish or riff-riff over the streets and alleys of the said Township without first securing a license to do so. The Township, upon application and after investigation, as the Township shall deem necessary, may issue a license to a hauler for a period of one (1) year. The fee for such license shall be the sum of One Hundred (\$100.00) Dollars per year. Any person desiring to secure a license shall present a written application thereof to the Township Secretary and such license shall be issued only after proper action by the Township Supervisors after due and proper investigation into the terms of service set forth in a proper application for a Certificate of Public Convenience and Necessity. In order to promote the health and welfare of the Township, and to control the hauling of garbage, rubbish, refuse and riff-raff, the Township Supervisors reserve the right to limit the number of licenses issued in accordance with the terms of this Ordinance.

SECTION FIVE: FAILURE TO COMPLY - Any license issued pursuant to the provisions of this Ordinance shall be revocable by the Township Supervisors upon failure of the licensee to comply with any of the provisions of this Ordinance, or to the terms of the Agreement entered into between the Township and the Hauler, or any of the regulations of the Commonwealth of Pennsylvania, Department of Health, Department of Environmental Resources, or any other Government Agency having jurisdiction, relating to the collection and disposition of garbage, rubbish, riff-raff and other refuse material: Before any license is issued to any hauler, the hauler must:

- (a) Submit an application accompanied by the fee for a license;
- (b) Secure at his expense a performance bond with surety to be approved by the Township Solicitor in the amount of at least Ten Thousand (\$10,000.00) Dollars: and,
- (c) Provide the Township with certificates of public liability insurance in an amount of not less than One Hundred Thousand (\$100,000.00) Dollars, and property damage insurance in an amount of not less than Fifty Thousand (\$50,000.00) Dollars.

SECTION SIX: FIXING RATES - Rates for service shall be fixed by the Board of Supervisors or an appropriate rate Committee appointed by the Supervisors, and said rates shall be based upon a rate base as fixed under Pennsylvania Public Utility Regulation, together with operating expenses, and provide for a rate of return to the operator fixed in the manner of rates for other public utilities.

Where rates of a licensed hauler are based on or include fees for use of a land fill in this County, rate jurisdiction shall extend to the rates as quoted by said land fill, and may be altered in fixing the allowance to be collected by licensed haulers in this Township.

SECTION SEVEN: PRIVATE AGREEMENTS - All agreements for the removal and collection of rubbish, garbage, refuse or riff-raff shall be by private contract between the individual citizen and the hauler licensed for the purpose of collecting, removing, hauling and disposing of such rubbish, garbage, refuse material and riff-raff; PROVIDED, HOWEVER, that the rate to be charged for collecting and hauling such garbage, rubbish, refuse material and riff-raff shall not exceed the following schedule of fees;

DOMESTIC RATES:

- (a) Six ----- (\$ 6.00) Dollars per month per residence for weekly pick-ups of a maximum of three (3) 30 gallon cans or their equivalent.
- (b) An additional fee of 50¢ per can per week for each additional can, or its equivalent, may be made (3 bushels is equal to 1 can).

COMMERCIAL RATES: TO BE NEGOTIATED DURING FIRST YEAR.

- (a) (\$) Dollars per year per commercial establishment for a maximum of 3-30 gallon cans, or its equivalent, per week.
- (b) An additional fee of per can for each can in excess of 3-30 gallon cans per week.
- (c) In the event any commercial customer desires more than one (1) weekly pick-up, this will be by private contract between the hauler and the commercial establishment.

INDUSTRIAL RATES: TO BE NEGOTIATED DURING FIRST YEAR.

These shall be fixed in such a manner that revenues from such contracts will be beneficial in fixing domestic rates.

MISCELLANEOUS CHARGES:

- (a) Rates for hauling riff-raff will be established between the hauler and the customer on a fair and equitable basis. The charge to be subject to review by the Township Supervisors.
- (b) Minimum charges are not established by this Ordinance.
- (c) Heavy materials such as apples, ashes, concrete, or the like must be put in containers of not more than one bu. capacity.

CHANGE OF RATES:

The rates herein set forth are subject to change under the authority of and after review by the Board of Supervisors at the end of each contract year.

SECTION EIGHT: All licensed haulers will be required to comply with the following regulations:

- (a) Any licensed haulers will be responsible for providing refuse collection to any one in the Township requesting such service;
- (b) All licensed haulers shall provide pick-ups once weekly, during the twelve (12) month period of any

- contract entered into under this ordinance, of refuse, garbage, rubbish and riff-raff from publicly operated buildings or recreational areas;
- (c) Collections from residences must be made at least once a week. Collections from commercial and industrial establishments must be made as often as necessary to control health hazards, flies, odors and unsightly appearances;
 - (d) Haulers must furnish the customer and the Township Supervisors with a collection schedule;
 - (e) Collection of garbage, rubbish, riff-raff and other refuse materials may be made between 5:00 o'clock, A.M. and 7:00 o'clock P.M., with the following exceptions when no collections will be made:
 - Sundays, New Years Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.
 - (f) Haulers must furnish the Township with a certified list of each of his customers and the charge being levied each customer. The list must be in alphabetical order and kept current quarterly.
 - (g) Haulers must furnish to the Township the phone number and hours during which the Hauler may be contacted;
 - (h) Trucks or other vehicles used for the transportation of garbage, rubbish, riff-raff and other refuse material shall be of the compactor type, water tight with an enclosed cargo space. No truck shall be permitted to scatter any of the contents on any of the streets, highways, or alleys of the Township. Trucks used to haul

garbage, rubbish and other refuse materials must be maintained in a clean and sanitary condition so as to be free from any unsanitary conditions or odors and so as to present a satisfactory outward appearance and shall meet all of the requirements of the Township Supervisors and the Departments of Health and Environmental Resources of the Commonwealth of Pennsylvania. The trucks may be inspected at any time by members of the Board of Supervisors, or their appointees, or members of the Townships Board of Health. Any deficiency must be corrected immediately by the hauler. The hauler shall maintain his equipment in such a condition as to be able to maintain his collections schedule.

SECTION NINE: LITTERING - In order to end the objectionable practice of littering the countryside with rubbish and in order to eliminate the problem of health and sanitation due to improper dumping and disposition of garbage, rubbish, riff-raff and other refuse materials, it shall be unlawful for any hauler licensed to collect and dispose of garbage, rubbish, riff-raff and other refuse materials in said Township to dispose of said garbage, rubbish riff-raff and other refuse materials at any other place than in a dumping or disposal area which has been approved and designated by the Township Supervisors. The Township Supervisors will designate to each hauler, in writing, the place where the garbage, rubbish, refuse and riff-raff collected in the Township shall be disposed of. The cost of disposal which the Township will be required to pay must be borne by the hauler and the hauler must pay such disposal charge to the Township one (1) month in advance.

SECTION TEN: PREPARATION - Each person who contracts with the licensed hauler to collect and dispose of his garbage shall prepare the same as follows:

All garbage shall be drained of liquid in so far as practical, and shall be placed in sanitary covered containers made of non-absorbent material, provided with closely fitting covers. The same shall not exceed thirty (30) gallons in size and shall be of rust resistant material.

The cans shall be furnished and kept clean by the customer and shall be replaced by such customer when no longer in good condition. All refuse which cannot be disposed of in containers shall be assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise, while awaiting collection. All refuse, except riff-raff, shall be of units which can be handled by one (1) person and shall be placed in containers or piled and assembled in such a way as to facilitate collection. The same shall be placed at curb-side of the public street, thoroughfare, accessway or alleyway where the haulers' vehicle will park to pick up the garbage, refuse, riff-raff and other materials to be collected or disposed of.

SECTION ELEVEN: PRIVATE DISPOSAL - No person, firm or corporation shall use or permit to be used any spot or place within the Township as a public or private dump for garbage, refuse, riff-raff, rubbish or other waste material. Any person within the Township desiring to burn his own garbage, rubbish, refuse, riff-raff or other materials, and his only, upon private ground must do so according to the requirements of the Pennsylvania Departments of Health and Environmental Resources; and in no event shall he be permitted to dispose of his own garbage, rubbish, riff-raff or other refuse materials on his own private property unless the total acreage of the property being used under his ownership or control is of a size of ten (10) acres or larger.

SECTION TWELVE: PAYMENT OF FEES - Each private customer of the licensed hauler shall pay the prescribed fee to the hauler in advance at the beginning of each month or at his option, at the beginning of each year, if he desires to pay annually. No garbage, refuse, rubbish, or riff-raff shall be collected from any premises where the owners, occupiers or lessees are in arrears for a period of ten (10) days. Fermenting, putrifying or odoriferous garbage, refuse, riff-raff or rubbish in containers collected or dumped in the open due to failure to pay collection fees is hereby declared to be a nuisance.

SECTION THIRTEEN: ACCUMULATIONS - No person shall accumulate garbage, rubbish, riff-raff, refuse or other waste materials upon

private property in the Township except in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish, riff-raff or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish, riff-raff and other refuse materials within thirty (30) days after the effective date of this Ordinance shall be deemed a violation of this Section of this Ordinance.

SECTION FOURTEEN: RULES AND REGULATIONS - The collection of garbage, rubbish, riff-raff or other refuse material in the Township and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the Township Supervisors; PROVIDED, HOWEVER, that all such rules and regulations shall not be contrary to the provisions of this Ordinance. Licensed haulers may be requested to attend meetings of the Supervisors, or their appointees, or of the Board of Health of Township residents aggrieved by any of the provisions of this Ordinance. In the matter of disagreement between a licensed hauler and a customer, or between the haulers themselves, or the haulers and the Township, the Township Supervisors, or their appointees, shall attempt to resolve such difficulties and any disagreements and make decisions relative thereto. In matters involving a disagreement between a customer and the licensed hauler, which has not been resolved by action of the Supervisors, either the customer or the hauler shall have the right to elect to go to Arbitration of said difference, and the Board of Arbitration shall consist of one (1) arbitrator selected by the hauler, one (1) by the customer, and the two (2) arbitrators so selected shall select a third. The Board of Arbitrators so selected shall promptly inquire into the area of disagreement. In the event the Supervisors elect not to refer the disagreement to arbitration, then the decision of the Supervisors in any such disagreement shall be final. Any aggrieved person shall have the right of appeal against any regulations or decisions made by the Township Supervisors pursuant to the terms of this Ordinance, or any of the regulations promulgated hereby.

SECTION FIFTEEN: VIOLATIONS - Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding before a Justice of the Peace or Magistrate, be sentenced to pay a fine of not more than Five Hundred (\$500,00) Dollars and costs of prosecution, and, in default of payment of such fine and costs, shall be committed to the County Jail for a period not exceeding thirty (30) days; each day's continuance of a violation of this Ordinance shall constitute a separate offense.

SECTION SIXTEEN: CONSTITUTIONALITY AND INTENT - If any sentence, clause or 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 or sections or parts of this Ordinance. It is hereby declared as the intent of the 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 SEVENTEEN: EFFECTIVE DATE - This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED into Ordinance this 1st day of October, A.D., 1980.

SUPERVISORS OF CHARLESTON TOWNSHIP

BY: Walter E. Van Dergrift
Walter Vandergrift, Chairman
Rayford H. Abplanalp