

**CHAPTER 20**

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**PART 1**  
**DUMPSTERS**

**§101. Short Title.**

This Part shall be known and may be cited as the “Smithfield Township Dumpster Ordinance.”

(Ord. 1998-4, 5/20/1998, §1)

**§102. Definitions.**

For the purpose of this Part the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

DUMPSTER — any container designed for the collection of garbage, refuse or other debris, including dumpsters, roll-off boxes and other large trash receptacles, which may be transported to a site and either periodically emptied or removed from the site. In no event shall the definition of dumpster include garbage cans which do not exceed 30 gallons in size.

STREET — any street, avenue, boulevard, road, alley, lane, public way, highway, thoroughfare, drive or other way which is an existing State, County or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. In no event shall the definition of street include private roads, streets or driveways.

(Ord. 1998-4, 5/20/1998, §2)

**§103. Application.**

1. From and after the passage of this Part, it shall be unlawful for any person, firm, corporation or other entity to place a dumpster on a street in the Township of Smithfield, without first obtaining a permit from the Township for the placement thereof.
2. Any dumpster placed in a street in the Township of Smithfield must have reflectors, lights or other warning devices, as approved by the Township Supervisors, designed to alert passing motorists as to the location of the dumpster in the street at night or during other periods of low or diminished visibility.

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3. Any person, firm, corporation or other entity desiring to place a dumpster on a street in the Township of Smithfield shall, prior to the placement thereof, apply for and receive a permit for the placement of said dumpster from the Township Supervisors. No permit shall be issued until the requisite fee has been paid by the applicant.
4. Permit applications shall be made in writing to the Township Supervisors and shall contain the following information:
  - A. The applicant's name, address and telephone number.
  - B. The name of the property owner desiring to place the dumpster in the street.
  - C. The name of the company providing the dumpster.
  - D. The street address where the dumpster will be placed.
  - E. The reason the dumpster is needed.
  - F. The length of time it is anticipated the dumpster will be present in the street.
5. Any dumpster permit issued by the Township Supervisors will be effective for a period of 15 days. If the dumpster will remain on the street past the 15 day permit period, the applicant must, on or before the date on which said permit is set to expire, file an application for an additional 15 day period and pay the fees associated therewith. Any dumpster left on the streets of Smithfield Township after the expiration of its permit shall constitute a violation of this Part.
6. The Smithfield Township Supervisors reserve the sole right, authority and discretion to approve or deny the issuance or renewal of dumpster permits for any reason.
7. The Smithfield Township Supervisors shall issue no more than two renewals of the original dumpster permit for any dumpster placed on a street or alley in Smithfield Township.
8. Notwithstanding any of the above provisions, no dumpster may be placed in a street or alley of Smithfield Township between the dates of November 1 and March 30. Dumpsters may be placed in streets or alleys, as provided above, only from April 1 through October 31 of each year.
9. In no event shall any dumpster placed on the streets or alleys of Smithfield Township exceed a capacity of 10 cubic yards.

(Ord. 1998-4, 5/20/1998, §3; as amended by Ord. 2006-2, 2/13/2006, and by Ord. 2010-1, 11/8/2010)

**§104. Fees.**

A fee for each dumpster permit issuance or renewal shall be paid in accordance with the schedule of fees as established from time to time by resolution of the Smithfield Township Board of Supervisors.

(Ord. 1998-4, 5/20/1998, §4)

**§105. Violations and Penalties.**

Any person, firm, corporation or other entity 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. 1998-4, 5/20/1998, §5)



**PART 2**

**SOLID WASTE REGULATIONS**

**§201. Purpose; Legislative Intent.**

1. Declaration of Policy. The Board of Supervisors of Smithfield Township, recognizing its responsibilities under the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., and in particular, under §202 therein, and under the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 et seq., and pursuant as well as the powers given to it under, hereby determines, declares and finds as follows:
  - A. Improper and inadequate solid waste practices create public health hazards, environmental pollution and economic loss, and would cause irreparable harm to the public health, safety and welfare in the Township.
  - B. The provisions of this Part set forth hereinafter will promote the public health, safety and welfare, and eliminate or reduce the public health hazards, environmental pollution and economic losses caused by inadequate and improper solid waste practices.
  - C. The actions hereafter prescribed are in furtherance of the goals and policies of the Pennsylvania Solid Waste Management Act and the Municipal Waste Planning, Recycling and Waste Reduction Act.
  - D. Accordingly, it is the purpose of this Part to accomplish the following:
    - (1) Provide for the effective implementation of the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 et seq.
    - (2) Provide for the effective collection, transportation, processing and interim and final disposal of municipal waste which is generated or present within the Township.
    - (3) Provide for the collection of municipal waste in an appropriate, sanitary fashion so as to protect the public health, safety and welfare.
2. Definitions. The following words and terms as used in this Part shall have the meaning ascribed to them unless the context clearly indicates a different meaning.

**BULKY WASTE** — large items of refuse including, but not limited to, appliances, furniture, large auto parts, trees, branches and stumps.

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CARTWAY — paved area of street, avenue, alley, etc.

GARBAGE — municipal waste resulting from animal, grain, fruit or vegetable matter.

HAULER — any person, firm, copartnership, association or corporation who collects, transports and disposes of refuse for a fee.

HAZARDOUS WASTE — any garbage, refuse, sludge from an industrial or other wastewater 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, industrial, commercial, 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 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:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or total population.
- (2) 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. 1987) No. 394, known as the Clean Streams Law.

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 treatment plant, wastewater treatment plant or air pollution control facility.

MUNICIPALITY — the Township of Smithfield and its agencies.

NUISANCE — any condition, structure or improvement which shall constitute a threat to the health, safety or welfare of the citizens of the Township.

PERSON — any individual, partnership, corporation, association, institutional cooperative enterprise 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 “per-



son” shall include the officers and directors of any corporation or other legal entity having officers and directors.

**RESIDUAL WASTE** — any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining and agricultural water supply 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 Act. Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant and in compliance with a valid permit issued pursuant to the Clean Streams Law.

**REFUSE** — all municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter. Other words not defined herein shall have the meaning set forth in §103 of the Pennsylvania Solid Waste Management Act.

(Ord. 1999-1, 6/14/1999)

### **§202. Licensing.**

No person may haul, collect or remove municipal waste, other than his own, within the Township without having complied with any licensing or permitting requirements (if any) of the Pennsylvania Department of Environmental Protection or any successor or other Commonwealth agency empowered to regulate such activities.

(Ord. 1999-1, 6/14/1999)

### **§203. Collection, Transportation and Processing of Municipal Waste.**

1. Collection of Solid Waste.
  - A. All municipal waste within the Township upon collection by the hauler will be deemed to the property of the hauler until delivered to a disposal facility.
  - B. Residential collections shall be made at least once every week.
  - C. Collections from commercial establishments must be made once every week and shall be made more often if necessary to control health hazards, flies, odors and unsightly appearances.

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- D. No vehicle used in collecting, transporting, disposing or removing Township waste shall scatter any of the contents on the streets, highways, alleys or private property within the Township. Vehicles used to haul municipal waste must be maintained in a clean and sanitary condition and shall meet all the requirements of the Township and the Department of Environmental Protection. Any deficiency must be corrected promptly by the hauler. The hauler shall maintain his equipment in such a condition as to be able to maintain the collection schedule.
- E. Trucks and other vehicles used by licensed haulers for collecting, transporting, disposing or removing any municipal waste shall meet the following requirements:
  - (1) Packers. All municipal waste shall be enclosed within the confines of the cargo area, which area shall be watertight.
  - (2) Dump Trucks. If constructed with completely metal beds and lacking additional wooden side boards, such trucks shall be covered with a waterproof tarp.
  - (3) Dump Trucks or pickup trucks on which additional wooden side boards have been installed shall not have the side boards extending above the legal height and shall be covered with a watertight tarp.
  - (4) Passenger vehicles used for transporting municipal waste shall keep the waste within the confines of the vehicle at all times. Access in the vehicle to the cargo area shall be kept closed at all times, without the use of additional aids such as ropes, tie-downs and other similar mechanisms.
  - (5) All tarps as required in this Section shall be secured on all four sides at all times, except during actual loading and unloading.
  - (6) None of the above subsections shall hinder the separate collection of recyclable materials in special bins, racks, etc., so long as the materials are not allowed to scatter or create a nuisance.

(Ord. 1999-1, 6/14/1999)

### **§204. Other Individuals.**

- 1. Manner of Collection of Solid Waste.
  - A. No person shall permit anyone other than a hauler as defined in this Part to collect or haul municipal waste generated by that person; except a person may haul his own waste to a designated facility.

- B. Each person within the Township who employs a hauler to collect municipal waste shall prepare the waste as follows:
- (1) All waste shall be drained of liquid insofar as practical and shall be placed in sanitary sealed containers and/or cans made of nonabsorbent material.
  - (2) Containers shall not exceed 30 gallons in size; cans shall be of rust resistant material and shall be furnished and kept clean by the customer and shall be replaced by such when no longer in satisfactory condition.
  - (3) 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.
  - (4) All refuse except bulky waste shall be of units which can be handled by one person and shall be placed in containers or piled and assembled in such a way as to facilitate collection.
  - (5) All containers shall be kept on the customers property until the night before scheduled pickup at which time it may be placed on the edge of the cartway.
2. Unless they have a currently valid disposal permit from the Department of Environmental Protection, no person, firm or corporation shall use or permit to be used any spot or place within the Township as a disposal site for municipal waste material.
  3. No person shall accumulate or permit to accumulate municipal 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 municipal waste on any premises is hereby declared to be a nuisance and is prohibited. Disposal of construction and demolition waste shall be in conformance with the rules and regulations of the Department of Environmental Protection. Composting shall be permitted to the extent authorized by the regulations of the Department of Environmental Protection.

(Ord. 1999-1, 6/14/1999)

**§205. Miscellaneous Provisions.**

1. Any violation or failure to comply with any of the provisions of this Part, or the rules and regulations promulgated pursuant to this Part, is hereby declared to be a public nuisance which may be abated by the Township. All costs incurred by the

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Township in abating a nuisance may be recovered from the responsible party. 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.

2. All monies collected pertaining to this Part, either by fees or fines, shall be remitted to the Township.
3. The Township is hereby authorized to promulgate rules and regulations and to issue forms and set fee schedules as necessary to implement this Part.
4. Actions taken pursuant to this Part are subject to the Local Agency Law to the extent required by law.
5. The Township is authorized to conduct inspections, issue citations and notices, and to take all other necessary and appropriate action to enforce this Part.

(Ord. 1999-1, 6/14/1999)