
CHAPTER 16

SOLID WASTE

ARTICLE I

DUMPING OF GARBAGE

History - Adopted by the Board of Supervisors of Center Township as Ordinance No. 1, February 10, 1950, as amended by Ordinance No 2004-12-11, December 8, 2004 and Ordinance No. 2004-12-12, December 8, 2004.

§16-101 General and Definition

- A. General: The Township of Center hereby prohibits the dumping or accumulating of garbage on private or public property, providing notice for the removal thereof, the collection of the cost of such removal by the Township and a penalty for violation and prohibiting the dumping, throwing, placing or depositing of garbage or rubbish in, along or near the public highways in said Township or public property within said Township and providing for a penalty for violation thereof.
- B. The terms "garbage" and "rubbish" are hereby not limited to, but include, organic matter in general. The refuse, animal and vegetable matter from a kitchen, market or store, the entrails of an animal or fish, the refuse parts of flesh and including anything worthless or filthy and offensive matter and including waste material from a house, market or store consisting of offal, mixed with refuse, ashes, papers, tin cans, etc.
- C. Building Permit and Discarding of Waste: The Applicant for a building permit agrees to be responsible for disposing of waste materials such as papers, cartons and similar refuse from the construction site. The Applicant further agrees to prevent the same from being deposited and then thrown or blown upon land adjacent to or within the vicinity of the construction, and the Applicant further agrees to assume all responsibility for the discarding of waste on behalf of its subcontractors and material suppliers. For this purpose, Applicant shall maintain a dumpster on the site until completion of the improvements. Applicant, may burn non-toxic waste materials on the construction site subject to the provisions of the Township Fire Prevention/Protection Chapter 6 Article I. Failure to provide a dumpster shall result in revocation of the building permit and subject the applicant to the penalties set forth in §16-103, below.

§16-102 Effective Date

From and after the passage of this Article, accumulation of refuse and garbage as hereinbefore defined, on private or public property within the boundaries of Center Township, Butler County, Pennsylvania is hereby prohibited.

§16-103 Violations and Penalties

- A. Any person, firm, or corporation causing accumulations of refuse and garbage as aforesaid shall upon written notice to do so sent by the Code Enforcement/Zoning Officer, forthwith remove any garbage or refuse accumulated as aforesaid and upon

failure to do so the Township Supervisors may remove the same and collect the costs of such removal together with a penalty of fifty dollars (\$50.00) from the person, firm or corporation involved.

- B. The cost of removal together with the penalty may be collected by summary proceedings before a District Magistrate within Butler County or the Township Supervisors may proceed by proper proceedings to enjoin and restrain the violation of this Article said remedies to be concurrent and neither to exclude the other. Said penalty to be collected as often as this Article may be violated.

ARTICLE II

ABANDONED MOTOR VEHICLE, TRASH AND JUNKED ARTICLE

History - Adopted by the Board of Supervisors of Center Township as Ordinance No. 49, July 10, 1985, as amended by Ordinance No. 2007-02-04, February 14, 2007.

§16-201 General Provisions

It shall be unlawful for any person to dump, place, maintain, throw, abandon, discard or store any abandoned or junked motor vehicle, manufactured home, recreational vehicle, office trailer, nonfunctioning swimming pool, junk or any other discarded material on private or public property within the geographical boundaries of the Township of Center, Butler County, Pennsylvania, for any portion of a calendar day. The storage of any articles as hereinabove prohibited by this Article for more than one (1) calendar day shall constitute a separate and distinct unlawful act.

§16-202 Definitions

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except in those instances where the context indicates a different meaning.

- A. **Calendar Day:** A period of twenty-four (24) hours measured from midnight to midnight.
- B. **Junk:** Any material including but not limited to scrap metal, abandoned or junked motor vehicles, machinery, equipment, paper, glass, wood, containers, structures, plant growth and surplus building materials stored outside.
- C. **Junked Motor Vehicle:** Any motor vehicle outside of a fully enclosed building not in full and complete working order and without current registration plates or current inspection certificate, or any automobile stored for resale as junk metal or any automobile outside a fully enclosed building for selling parts therefrom, excepting operational farm equipment on a farm.
- D. **Motor Vehicle:** A vehicle designed to be self propelled or towed by a vehicle that is self propelled.
- E. **Person:** Every natural person, association or corporation. Whenever used in any clause prescribing or imposing a fine or penalty of imprisonment in default thereof, and as applied to corporations shall mean the President or Secretary thereof.
- F. **Trash Receptacle:** A proper container for the temporary storage of trash pending regular, prompt disposal.

§16-203 Violations and Penalties

Any person who violates any provision of this Article shall be guilty of a summary offense and shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) together with costs of prosecution for the first violation; and not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00)

together with costs of prosecution for the second violation; and not less than three hundred dollars (\$300.00) for the third and subsequent violations.

ARTICLE III RECYCLING

History - Adopted by the Board of Supervisors as Ordinance No. 74, August 12, 1992, amended by Ordinance No. 03-04-01, April 9, 2003 and amended by Ordinance No. 2004-10-06, October 13, 2004.

§16-301 Establishment of Program

The Township of Center hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation and composting of leaf/yard waste from all residences, commercial, municipal and institutional establishments located in the Township of Center. A minimum of at least three (3) specific materials plus leaf/yard waste must be recycled. Recyclable materials shall be collected at such times and dates at least once per month as may be hereinafter established by regulation.

§16-302 Definitions

The following words and phrases as used in this Article shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

- A. **Act 101:** The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988).
- B. **Aluminum:** Empty, all-aluminum food and beverage containers, clean aluminum foil and pie tins, aluminum siding, aluminum frames of furniture, scrap from industrial sources and other all-aluminum materials.
- C. **Bi-metallic Containers:** Empty food or beverage containers consisting of ferrous sides with an aluminum top and/or bottom. A container is bi-metallic if a magnet sticks to the side but not the ends.
- D. **Collector:** Any person, firm, partnership, corporation or public agency authorized by the municipality to collect recyclable materials from residences or authorized by commercial, municipal and institutional establishments to collect recyclable materials from those properties.
- E. **Commercial Establishment:** Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing four (4) or more dwelling units.
- F. **Community Activities:** Events that are sponsored by public or private agencies or individuals including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by two hundred (200) or more individuals per day.
- G. **Corrugated Paper:** Containerboard cartons, Kraft linerboards and shipping boxes with corrugated paper medium. This definition also includes Kraft (brown) paper bags.
- H. **Glass Containers:** Empty bottles and jars made of clay, green or brown glass. This definition does not include non-container glass, window glass, blue glass and porcelain, ceramic products and light bulbs.

- I. **High-grade Office Paper:** Printing, writing, and computer paper used in commercial, institutional and municipal establishments as well as in residences. This definition includes white paper, white ledger, bond paper, colored ledger, computer printouts, computer tab cards and copy machine paper.
- J. **Institutional Establishment:** Facilities that house or serve groups of people, including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and colleges.
- K. **Lead Acid Batteries:** Automotive, truck and industrial batteries that contain lead.
- L. **Leaf/Yard Waste:** Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.
- M. **Multi-family Housing:** Properties having four (4) or more dwelling units per structure.
- N. **Municipal Establishment:** Public facilities operated by the Township of Center and other governmental and quasi-governmental agencies.
- O. **Municipal Waste:** As defined by Act 101.
- P. **Newspapers:** Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.
- Q. **Plastics:** High density polyethylene such as plastic containers for milk, container plastics, including re-sealable containers, food containers, household product containers, PET soda bottles, beverage containers, and other plastic products.
- R. **Recyclable Materials:** Materials generated by residences, commercial, municipal and institutional establishments which are specified by the Township of Center or by Butler County to be recycled. Recyclable materials may include clear glass, colored glass, aluminum, steel and bi-metallic containers, high-grade office paper, newspapers, corrugated paper, yard waste, plastics and any other items selected by the municipality or County or specified in amendments to Act 101.
- S. **Recycling:** The collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.
- T. **Residential Establishment:** Any occupied single-family, duplex or multi-family dwelling of three (3) units or less for which a municipal or private hauler collects municipal waste.
- U. **Source Separated Recyclable Materials:** Materials that are separated from municipal waste at the point of origin for the purpose of being recycled.
- V. **Steel Containers:** All coated (tin, zinc, etc.) and other empty ferrous food and beverage containers, including allowed materials. This definition also include ferrous

and alloyed ferrous scrap materials derived from iron and stainless steel and white goods (large appliances).

§16-303 Separation and Collection

- A. Persons in residential establishments shall separate recyclable materials from other waste. Recyclable materials shall be placed at the curbside or at a site designated by the municipality. Recyclable materials shall be prepared for collection according to municipal or County guidelines and shall be placed in containers provided by the municipality or cut and baled, tied, bundled, stacked or packaged in compliance with the guidelines.
1. All containers provided to residential establishments for recyclable materials shall be the property of the Township of Center and shall be used only for the storage and collection of recyclable materials. Any resident who moves shall be responsible for leaving the container within the residence or shall pay the replacement cost of said container. The Township may require a deposit for such containers as may be established from time to time by resolution.
 2. Use of the allocated recycling container for any purpose other than the recycling program shall be a violation of this Article.
- B. An owner, landlord or agent of the owner or landlord of a multi-family housing property with four (4) or more units shall comply with its recycling responsibilities by establishing a collection program for the tenants at each property. The collection system shall include suitable containers, provided by the owner, landlord or agent for sorting and collection of recyclable materials. The container shall be placed in easily accessible locations and written instructions shall be provided to the tenants concerning use and availability of the collection system.
1. Owner, landlords or agents of multi-family property who are in compliance with the Article shall not be liable for noncompliance by the occupants of their property.
 2. Owners, landlords or agents who have recyclable materials collected by a collection firm other than the municipality or its designated collector(s) shall submit an annual report to the municipality reporting the tonnage of materials recycled during the previous year.
- C. Commercial, institutional, municipal establishments and community activities shall separate high-grade office paper, aluminum, corrugated paper, yard waste and such other materials as may be designated by the Township of Center, and shall store the recyclable materials until collection. These establishments may be exempted from this Article if the establishments have otherwise provided for the recycling of materials specified by this Article and provide documentation to the Township of Center annually indicating that designated recyclable materials are being recycled and indicating the tonnage of materials recycled during the previous year.
1. It shall be the responsibility of each establishment and community activity to submit an annual report to the Township of Center reporting the tonnage of materials

recycled by the establishment or activity during the previous year.

§16-304 Leaf/Yard Waste

All owners, lessees or occupants of any residential, commercial, institutional, multi-family, or municipal properties in the Township of Center shall separate leaf/yard waste from other waste. The Township of Center may specify by regulation the method for collection and disposition of leaf/yard waste by means of curbside leaf collection and the establishment of a composting facility. Curbside leaf/yard collection will not be mandated upon those persons who have established means of composting leaves.

§16-305 Lead Acid Batteries

No person shall place a used lead battery in municipal waste, discard or otherwise dispose of a lead battery except by delivery to a designated facility authorized under the laws of Pennsylvania.

§16-306 Ownership of Recyclable Materials

All recyclable materials, when placed at the curbside, shall remain the property of such persons until removed by its authorized collector except as provided below:

- A. Any person may donate or sell recyclable materials to individuals or organizations authorized by the Township of Center. The recyclable materials shall be either delivered to the individual organization site or may be placed at the curb for collection by said individual or organization. If placed at the curb, the individual or organization shall not collect recyclable materials on days designated as municipal collection days.
- B. Any person who donates or sells recyclable materials shall not receive a discount in waste collection fees paid to their collectors.

§16-307 Franchise or License

The Township of Center may enter into an agreement with public or private agencies or firms to authorize said agencies or firms to collect all or part of recyclable materials placed at curbside or at another designated site.

§16-308 Administration and Enforcement

The Township of Center officials are authorized by this Article to enact reasonable rules and regulations for the operation and enforcement of this Article including, but not limited to:

- A. Designating recyclable materials to be separated by residential establishments, and designating additional recyclable materials to be separated by commercial, institutional and municipal establishments;
- B. Establishing collection procedures for recyclable materials;
- C. Establishing reporting procedures for volumes of materials recycled;
- D. Establishing procedures for the distribution, monitoring, and collection of recycling containers;

- E. Establishing procedures and rules for the collection of yard waste;
- F. Establishing procedures for the enforcement of the provisions of this Article.

§16-309 Violations and Penalties

Any person, firm or corporation who shall violate the provisions of this Article and its rules and regulations shall receive an official written warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

Upon conviction of violation of the provisions of this Article, such person shall pay a penalty of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) plus costs of prosecution for each and every offense.

- A. Collection by Unauthorized Persons - Violation: It shall be a violation of this Article to collect recyclable materials unless such collection firm, person or corporation is licensed by the County or is authorized by the Township of Center as provided for in Section 16-307. Unauthorized collection of recyclable materials for one or more residential, commercial, institutional, or municipal establishments on any one (1) calendar day shall constitute a separate and distinct offense punishable as provided in this Section.
- B. Failure to Separate Recyclable - Violations: It shall be a violation of this Article for any person to mix recyclable materials with other wastes for collection and disposal purposes.

ARTICLE IV

SOLID WASTE MANAGEMENT

History - Adopted by the Board of Supervisors of Center Township as Ordinance No. 92-75, August 12, 1992.

§16-401 Short Title

This Article shall be known and may be cited as the Township of Center Municipal Solid Waste Management Article.

§16-402 Definitions

The following words and phrases as used in this Article shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

- A. **Act 101:** The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988).
- B. **Authorized Collector:** A person, firm, partnership, corporation or public agency authorized by the municipality or county to collect municipal waste from residential, commercial, municipal and institutional establishments.
- C. **Bulky Waste:** Large waste items including, but not limited to, appliances, auto parts, furniture and trees, branches or stumps which require collection in other conventional compactor waste collection vehicles.
- D. **Collector:** See "Authorized Collector."
- E. **Commercial Establishment:** Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing four (4) or more dwelling units.
- F. **Detachable Container:** Any metal bin or container which may be mechanically lifted and emptied into a collection vehicle.
- G. **Hauler:** See "Authorized Collector."
- H. **Industrial Establishment:** Facilities engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries and mining.
- I. **Institutional Establishment:** Facilities that house or serve groups of people, including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and colleges.
- J. **Multi-Family Housing:** Properties having four (4) or more dwelling units per structure.
- K. **Municipal Waste:** Garbage, refuse, industrial lunchroom or office waste and other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste.
- L. **Recycling:** Separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid

waste.

- M. **Scavenging:** Unauthorized or uncontrolled removal of solid waste materials placed for collection or removal from a solid waste processing or disposal facility.
- N. **Solid Waste:** Garbage, refuse and other discarded solid materials including, but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semi-solids and contained gaseous materials are hereby defined as solid waste.
- O. **Storage:** The containment of any waste on a temporary basis in such a manner as to not constitute disposal of such waste.
- P. **Yard Waste:** Prunings, grass clippings, weeds, leaves and general yard and garden wastes.

§16-403 Standards and Regulations for Storage Prior to Collection

- A. Any person generating municipal waste shall provide sufficient approved containers for storing all waste materials. Containers shall be kept in a sanitary condition at all times.
- B. Any person storing municipal waste for collection shall comply with the following preparation standards:
 - 1. Waste shall be drained of all liquids;
 - 2. Food containers shall be rinsed free of food particles and drained before placed in storage containers;
 - 3. Center Township reserves the right to modify the preparation and storage procedures to facilitate the collection and recovery of certain waste materials.
- C. All municipal waste shall be stored in containers approved by Center Township and shall comply with the following standards:
 - 1. Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant materials. Any cracked or rusted container shall be condemned by Center Township, tagged as a public nuisance and removed from the property before the next collection day;
 - 2. Reusable containers for residences shall have tight-fitting covers, have suitable lifting handles and shall have a capacity of not less than ten (10) gallons nor more than forty (40) gallons. If mechanical bins or detachable containers are in use, Center Township may waive these standards;
 - 3. Disposable plastic bags or sacks are acceptable containers provided the bags are designed for waste disposal. Such bags shall be securely tied at the top for collection and shall have a capacity of not more than thirty (30) gallons; and
 - 4. All containers, whether reusable or disposable, shall be kept tightly covered at all times and shall be used and maintained so as to prevent public nuisances.
- D. Any person storing municipal waste for collection shall comply with the following

storage standards:

1. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be kept clean by thoroughly rinsing, draining and disinfecting as often as necessary;
 2. Containers shall be covered or sealed at all times and waste shall not protrude or extend above the top of the containers;
 3. With the exception of pick-up days when containers are placed out for collection, all containers shall be properly stored on the owner's property; and
 4. Bulky waste items shall be stored in a manner that will prevent the accumulation or collection of water, the harborage or breeding of vectors, insects or rodents or the creation of safety and fire hazards.
- E. The storage of all municipal waste from multi-family housing, commercial, institutional and municipal establishments and industrial lunchrooms and office wastes shall comply with the regulations and standards set forth in this Article. The type, size and placement of bulk containers for these establishments shall be determined by the waste generator and the authorized collector and are subject to approval by Center Township.

§16-404 Standards and Regulations for Collection

All generators of municipal waste in Center Township shall contract for the collection of disposable waste and recyclable items, as follows:

- A. All residential properties shall use an authorized collection service unless they prove to Center Township that they have made alternative arrangements consistent with this Article.
- B. All multi-family housing, commercial, institutional and municipal establishments and industrial establishments with office and lunchroom wastes shall use an authorized collection service of their choice.
- C. Collection service shall be provided in compliance with the following standards:
 1. All residential waste shall be collected at least once each week with the exception that arrangements shall be made in advance with the collector for pick-up of bulky waste and for payment of any special fees;
 2. All multi-family housing, commercial, municipal, institutional and industrial waste shall be collected at least once each week and more often if required in order to control health hazards, odors or unsightly conditions;
 3. All recyclable materials shall be collected at least once each month and in accordance with the Township's Recycling Article (Chapter 16, Article III);
 4. Each authorized collector shall establish a regular collection schedule in the Township and shall so notify the Township of the days and times. If a regular collection day falls on a holiday, the collector shall notify all customers and the Township as to when collection will be made; and

5. All waste collection activity shall be conducted from Monday through Saturday between the hours of 6:00 a.m. and 11:00 p.m., prevailing time, unless prior approval for an exception has been granted by Center Township. No collection service shall be permitted on Sunday.

D. All authorized collectors operating within the Township shall comply with the Butler County Solid Waste Management Article as regards to the licensing of collectors and the transportation of waste to a County designated disposal facility.

§16-405 Regulation of Authorized Contract Collectors

This Section reserved for future use.

§16-406 Regulation of Private Collectors

This Section reserved for future use.

§16-407 Collection and Disposal Charges, Fees and Deposits

A. All authorized collectors shall be responsible for the collection of any fees or charges for municipal waste collection and disposal services provided to residential, commercial, institutional, municipal and industrial sources within the Township.

B. The Township may establish fees and deposits for services and products from time to time by resolution.

§16-408 Prohibited Activities

A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township any garbage, rubbish, bulky waste, municipal or residual waste except in accordance with the provisions of this Article and any Pennsylvania Department of Environmental Protection Rules and Regulations adopted to Act 97 of 1980.

B. It shall be unlawful for any person to burn any solid waste within the Township except in a manner and under conditions prescribed by the Township, and such burning shall be in accordance with pertinent Rules and Regulations of the Commonwealth.

C. It shall be unlawful for any person to haul, transport, collect or remove any solid waste from public or private property within the Township without first securing a license from the County.

D. It shall be unlawful for any person to use, maintain or operate an open dump except that agricultural wastes may be spread in layers and plowed under, and individuals may composite their own yard waste.

E. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the municipality.

F. It shall be unlawful for any person to salvage or reclaim any solid wastes except at a properly permitted facility in which salvage is an integral part of the operation.

§16-409 Rules and Regulations

The collection of municipal solid waste in Center Township and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Board of Supervisors; provided, however, that such rules and regulations shall not be contrary to the provisions of this Article or applicable law.

§16-410 Violations and Penalties

Any person who violates any provision of this Article shall pay a penalty of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), plus costs. Each day of violation shall be considered a separate and distinct offense.