

WEST ROCKHILL TOWNSHIP

Ordinance No. 202

AN ORDINANCE OF THE TOWNSHIP OF WEST ROCKHILL ADOPTING THE BUCKS COUNTY MUNICIPAL WASTE MANAGEMENT PLAN REVISION OF 2004; ESTABLISHING STANDARDS OF ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL WASTE AND SOURCE-SEPARATED RECYCLABLES GENERATED WITHIN THE WEST ROCKHILL TOWNSHIP, AND THE REPORTING OF THE QUANTITIES OF SOURCE-SEPARATED RECYCLABLES COLLECTED, AND DELIVERED TO A RECYCLING FACILITY AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the County Commissioners of Bucks County approved and adopted the Bucks County Municipal Waste Management Plan (December 1989), in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan was ratified by the municipalities in Bucks County and approved by the Pennsylvania Department of Environmental Protection (PADEP) on March 28, 1991; and

WHEREAS, pursuant to the request of the County Board of Commissioners, the Bucks County Planning Commission, working with the Bucks County Solid Waste Advisory Committee has prepared, as a revision to the 1991 Plan, the Bucks County Municipal Waste Management Plan Revision of 2004 (“Revised County Plan”), which was approved by PADEP on January 17, 2006; and

WHEREAS, the County Board of Commissioners, by adopting the Revised County Plan on May 10, 2006, believes that the Revised County Plan is appropriate and necessary to protect the health and welfare of the residents of the County; and

WHEREAS, each municipality in Bucks County has the power and duty to adopt any such ordinances deemed necessary to implement required elements of said Revised County Plan by the authority vested to it pursuant to Section 304 of Act 101, including the oversight of all persons that collect and transport municipal waste in their respective municipalities; and

WHEREAS, West Rockhill Township has established curbside recycling requirements for municipal waste and leaf waste and has determined that it is appropriate to require the same of collectors and haulers in the Township;

NOW, THEREFORE, the Board of Supervisors of West Rockhill Township do hereby enact and ordain as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and referred to as the “Municipal Waste Collection and Transportation Ordinance of West Rockhill Township.”

SECTION 2: DEFINITIONS

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

“Act 90” – The Pennsylvania Waste Transportation Safety Act of 2002 (P.L. 596, No. 90, June 29, 2002).

“Act 97” – The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

“Act 101” – The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988), as amended by Act 140 of 2006.

“Approved Disposal Site” – means waste disposal facilities such as landfills or trash-to-steam facilities which are licensed by and operated in accordance with the laws and regulations of the Commonwealth of Pennsylvania or the laws and regulations of the state in which the disposal site is located.

“Collector or Waste Hauler” – shall mean any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste and/or source-separated recyclable materials.

“Commercial Establishment” – means any establishment engaged in a nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

“County” – means the County of Bucks, Pennsylvania.

“Disposal” – means the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth. Disposal facilities include, but are not limited to, municipal waste landfills and construction/demolition waste landfills as defined by Act 101, Act 97, and/or PADEP rules and regulations (25 Pa. Code Chapters 75 and 271).

“Industrial Establishment” – means any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

“Institutional Establishment” – shall mean any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

“Leaf Waste” – shall mean leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

“Licensed Collector or Licensed Waste Hauler” – shall mean a person who has written authorization from the PADEP under Act 90 to collect, haul, transport and dispose of municipal waste.

“Municipality” – shall mean any of the 54 minor civil divisions in Bucks County, Pennsylvania.

“Municipal Waste” – means 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 under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials.

“PADEP” – shall mean the Pennsylvania Department of Environmental Protection.

“Person” – means any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment, or penalty or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

“Processing” – means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to transfer facilities, recycling facilities, composting facilities, and resource recovery facilities.

“Recycling” – means 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 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 generation of energy.

“Scavenging” – shall mean the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a processing or disposal facility.

“Source-Separated Recyclable Materials” – means materials, including leaf waste, that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

“Transportation” – means the off-site removal of any municipal waste at any time after generation.

For the purpose of this Ordinance, the singular shall include the plural and the masculine shall include the feminine and neuter.

“Yard Waste” – Leaves, garden residues, shrubbery and tree trimmings, grass clippings and similar material.

SECTION 3: PROHIBITED ACTIVITIES

3.1 It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial, industrial or institutional establishment within West Rockhill

Township without first securing written authorization from the PADEP in accordance with the provisions of Act 90.

3.2 It shall be unlawful for any person to store, collect and/or transport municipal waste or source-separated recyclable materials from any sources within West Rockhill Township in a manner not in accordance with the provisions of this Ordinance, any applicable municipal ordinance, the Revised County Plan, Act 90, Act 101, the minimum standards and requirements established in Chapter 285 of the PADEP Municipal Waste Management Regulations, any applicable Bucks County Department of Health regulations, and/or any other federal, state, or local regulations.

3.3 It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within West Rockhill Township without prior approval from the municipality.

3.4 No individual, corporation, partnership or other legal entity shall burn refuse, Municipal Waste, recyclable materials, Yard Waste or Leaf Waste.

SECTION 4: STANDARDS FOR COLLECTION AND TRANSPORTATION

4.1 All Collectors or Waste Haulers operating within the West Rockhill Township must comply with the following minimum standards and regulations:

4.2 All trucks or other vehicles used for collection and transportation of municipal waste and/or source-separated recyclable materials must comply with the applicable requirements of Act 90, Act 97, Act 101, and PADEP regulations adopted pursuant to Act 97 and Act 101, including the Title 25 PA. Code Chapter 285, Subchapter B, regulations for the collection and transportation of municipal waste.

4.3 All collection vehicles conveying municipal waste and/or source-separated recyclable materials shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.

4.4 All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

4.5 All collection vehicles conveying nonputrescible municipal waste and/or source-separated recyclable materials shall be capable of being enclosed or covered to prevent litter and other nuisances.

4.6 All collection vehicles conveying municipal waste and/or source-separated recyclable materials shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of material transported by the vehicle. All such signs shall have lettering which is at least six inches in height as required by Act 101.

4.7 All collection vehicles and equipment used by Collectors or Waste Haulers shall be subject to inspection by the West Rockhill Township or its authorized agents at any reasonable hour without prior notification.

SECTION 5: DISPOSAL OF REFUSE

5.1 It shall be unlawful to dump, destroy, burn or otherwise dispose of refuse within the Township, except at an Approved Disposal Site. This prohibition shall not extend to the composting of Leaf Waste.

5.2 All refuse shall be deposited and disposed of at an Approved Disposal Site.

5.3 All disposal regulations of the Approved Disposal Site shall be adhered to.

5.4 All vehicles used for collection shall use, insofar as practical, only state highways when proceeding to and from the Approved Disposal Sites, except when using roads or streets in the Township where contracted to collect.

5.5 It shall be unlawful to dispose of live ashes, flammable liquids, explosive substances, toxic chemicals or any other similar hazardous substances in the Township.

SECTION 6: PREPARATION OF REFUSE FOR DISPOSAL

6.1 Refuse and recyclables shall be prepared as follows:

- (a) Garbage shall be placed in suitable bags prior to depositing in containers.
- (b) All refuse shall be containerized or properly bundled so that it may be handled by one man or woman.
- (c) Recyclables other than Leaf Waste shall be separated and containerized as required by the collector. Recyclables required for collection by residential users and organizers of community events shall include cardboard, office paper, aluminum, bi-metal, steel, corrugated paper, office paper, newsprint, plastics, colored glass and clear glass. Commercial, institutional, and municipal users shall separate corrugated paper, newsprint, aluminum and leaf waste.
- (d) Leaf Waste, including leaves, shrubbery, Christmas trees, tree trimmings and similar vegetative materials shall be separated, prepared and bundled as directed by the collector.

6.2 Refuse containers shall be as follows:

- (a) Refuse containers shall be made of durable, watertight, rust-resistant material, having close-fitting lids and handles to facilitate collections.

- (b) Refuse containers for residences shall be of not more than 96 gallons in capacity.
- (c) Refuse containers for commercial establishments, except dumpsters, shall not exceed 96 gallons in capacity.

6.3 It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such materials on the bottoms or sides of refuse containers; the interiors of refuse containers shall be kept clean by thorough rinsing and draining as often as necessary.

6.4 Each residential dwelling unit and Commercial Establishment must secure the services of a Waste Hauler or Collector who will collect municipal waste, refuse and recyclables, including Leaf Waste.

SECTION 7: COLLECTION PRACTICES

7.1 Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector

7.2 Notwithstanding § 6.1, householders, commercial establishments or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.

7.3 Collections shall be made from all properties throughout the Township, including all streets, accepted or otherwise, and including those streets that are temporarily closed for repairs or construction. In the latter case, special collection points shall be designated by the Board or its designee if the condition of the street would prevent access thereto by the collector's truck.

7.4 All Licensed Collectors or Licensed Waste Haulers shall offer to their residential customers commingled recyclables collection service as a part of the normal collection fee for residential trash collection. Recyclables collection shall include, at a minimum, the following commodities: newspaper, clear and colored glass, aluminum, steel and bi-metallic cans; number 1 and number 2 plastic. Recyclables shall be collected from each residential customer at a minimum of bi-weekly. All Licensed Collectors or Haulers shall provide collection of those recyclables designated in Section 6.1(c) from commercial, institutional, and municipal establishments and community activities. All recyclables shall be delivered to a recycling facility as defined in Act 101 or shall be marketed by the hauler.

7.5 Each Licensed Collector or Waste Hauler operating in the Township shall provide for at least one collection of Leaf Waste, including, but not limited to, leaves, garden residue, and similar vegetative materials per month.

7.6. Each Licensed Collector or Waste Hauler operating in the Township shall provide for at least one collection of shrubbery, tree trimmings and similar vegetative materials per month. Collection schedules shall be distributed to the customers and the Township.

7.7 Each Licensed Collector or Waste Hauler operating in the Township shall provide for at least one collection of Christmas trees between January 7 and January 31 of each year.

7.8 The Licensed Collector or Waste Hauler shall collect garbage, paper, ashes, trash, rubbish, recyclables, leaf waste, shrubbery, Christmas trees, tree trimmings and similar vegetative materials throughout the Township on routes and according to schedules approved by the Board or its designee.

7.9 Collections shall not be made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day.

7.10 Collections shall be made at those hours mutually agreed upon between the authorized collector and the Board or its designee. Hours agreed upon shall be so indicated within the collection contracts.

7.11 All routes, schedules and traffic of collection trucks upon streets and highways shall be subject to the approval of the Board or its designee. No change in the service area or schedules shall be made unless the Board or its designee and all affected customers receive at least two weeks' written notice.

7.12 The Licensed Collector or Waste Hauler shall, on scheduled routes, cooperate with special cleanup drives or weeks as may be promulgated by the Township, which shall not exceed two in number in any one year. In addition thereto, upon request, the authorized collector shall provide a separate and special collection on a day or days as may be required in order to collect abandoned Christmas trees.

7.13 It shall be unlawful for any person to deposit any refuse or other waste material at the roadside for collection more than 24 hours prior to the time prescribed by collectors or to leave any refuse containers at the roadside for more than 24 hours after collection of such refuse or other waste material.

7.14 Notwithstanding the collection requirements for vegetative materials set forth in above, if the Township maintains a drop-off location in or near the municipality where residents and commercial, industrial, and municipal establishments are provided the opportunity, at least weekly, to drop off Leaf Waste, the curbside collection of leaf waste may be reduced to one collection per month between the months of April and October.

SECTION 8: REGISTRATION REQUIREMENTS

8.1 No person shall collect, or remove any municipal waste from within West Rockhill Township without first obtaining written authorization from PADEP in accordance with the provisions of Act 90 and providing a copy of such written authorization to West Rockhill Township. This section shall not apply to private individuals (e.g. homeowners) who wish to transport their own household waste to PADEP approved facilities or recyclables to appropriate recycling centers, nor to farmers, landscapers or nurserymen, who collect, remove, haul or otherwise, transport agricultural or other organic waste associated with their respective business activities.

8.2 For a Collector or Waste Hauler to collect and transport municipal waste within West Rockhill Township a Collector or Waste Hauler shall submit a registration form to West Rockhill Township which shall include a copy of their state issued written authorization, and a copy of their Municipal and Residual Waste Transporter Authorization Application (DEP form 2500-PM-BWM0015) along with any information that *may* be deemed appropriate by the municipality:

8.3 Any person who fails to satisfy the minimum standards and requirements of this Ordinance or is in violation of the provisions of this Ordinance may not lawfully collect municipal waste or source-separated material in West Rockhill Township.

8.4 All Licensed Collectors and Licensed Waste Haulers shall meet the requirements of Act 90, Act 97, Act 101, the Bucks County Municipal Waste Management Plan, and all PADEP rules and regulations (25 PA Code Chapter 285).

SECTION 9: REPORTING REQUIREMENTS

9.1 All Licensed Collectors and Licensed Waste Haulers and collectors and haulers of Source-Separated Recyclable Materials operating within West Rockhill Township shall participate in the Bucks County Municipal Recycling Documentation Program. The program will provide a system for documenting the origin of municipal waste and source-separated recyclable material by municipality and the ultimate disposal point of said waste and recyclables. Each Licensed Collector and Licensed Waste Hauler and collectors and haulers of Source-Separated Recyclable Materials operating in West Rockhill Township shall prepare and submit an annual report to the municipality on the official Collectors and Haulers Recyclables Documentation Reporting Form. The report shall be submitted by the PADEP Licensed Collector or Licensed Waste Hauler and collectors and haulers of Source-Separated Recyclable Materials to the West Rockhill Township by January 31 of each year and include all of the required information pertaining to the preceding calendar year.

9.2 All annual reports submitted to the municipality from Licensed Collectors and Licensed Waste Haulers and collectors and haulers of Source-Separated Recyclable Materials shall be combined into a single report and submitted by the municipality on the official Municipal Recyclables Documentation Reporting Form to the County by February 28 of the year following the reporting period.

SECTION 10: PENALTIES

10.1 Any person who shall violate any provision of this Ordinance, upon conviction thereof, 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 30 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense. For purposes of this Section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates any affirmative duty, shall constitute a violation of this Ordinance punishable as herein stated. Licensed Collectors and Licensed Waste Haulers who shall violate any provision of this

Ordinance may be reported to the PADEP, by the (insert name of municipality) and may be subject to the revocation of the State authorization to transport municipal waste, as described in Act 90.

SECTION 11: INJUNCTIVE POWERS

11.1 The West Rockhill Township may petition the Bucks County Court of Common Pleas for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.

SECTION 12: SEVERABILITY

12.1 In the event that any section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of this Ordinance shall not be affected, impaired or invalidated by such action.

SECTION 13: CONFLICT


13.1 Any ordinances or any part of any ordinance, including, but not limited to, Ordinance 102 enacted on December 17, 1991, that conflicts with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

SECTION 14: EFFECTIVE DATE

14.1 This Ordinance shall take effect five days after enactment.


ORDAINED AND ENACTED into an Ordinance this 15th day of September, 2010.

ATTEST:

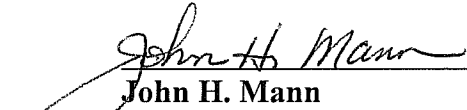


Gregory J. Lippincott, Manager


WEST ROCKHILL TOWNSHIP



Donald D. Duvall, Chair



John H. Mann



Jay Keyser

(Seal)