

ORDINANCE NO. 91-6

FLOW CONTROL ORDINANCE OF HILLTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR THE MUNICIPAL LICENSING OF ALL PERSONS WHO COLLECT AND TRANSPORT MUNICIPAL WASTE AND SOURCE-SEPARATED RECYCLABLE MATERIALS GENERATED WITHIN THE TOWNSHIP; PROVIDING WASTE FLOW CONTROL TO DIRECT MUNICIPAL WASTE AND SOURCE-SEPARATED RECYCLABLE MATERIALS TO DESIGNATED PROCESSING AND/OR DISPOSAL SITES; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE

Preamble

The Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, pursuant to Section 304 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) and Section 65708 of the Second Class Township Code hereby ordains as follows:

SECTION 1 - SHORT TITLE

This Ordinance shall be known and referred to as the "Waste Flow Control and Licensing Ordinance of Hilltown 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 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).

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.

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.

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 operation 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.

Commercial Establishment - means any establishment engaged in 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 included, but are not limited to, municipal waste landfills and construction/demolition waste landfills as defined by Act 101, Act 97, and/or DER rules and regulations (e.g. 25 Pa. Code Chapters 75 and 271).

Department or DER - shall mean the Pennsylvania Department of Environmental Resources.

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 material, but not including grass clippings.

Licensed Collector or Licensed Waste Hauler - shall mean any collector or hauler of municipal waste and/or source-separated recyclables possessing a current license issued by the Township pursuant to this Ordinance.

Municipality - shall mean the Township of Hilltown, 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

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

SECTION 3 - DESIGNATION OF PROCESSING AND/OR DISPOSAL FACILITIES

A. The Township of Hilltown shall designate by separate resolution one or more specific processing and/or disposal facilities where all licensed collectors must, as a condition of licensing, transport and dispose all municipal waste and/or source-separated recyclable materials collected within the Township of Hilltown.

B. The Township of Hilltown shall have the right by separate resolution to require any licensed collector to obtain a contract or disposal site affidavit with any or all processing and/or disposal facilities accepting municipal waste or source-separated recyclable material generated within the Township. Hilltown Township may, by separate resolution, establish a minimum term of the contract or disposal site affidavit and may also require that said contract or disposal site affidavit be accompanied by a notarized statement of the projected annual weight and/or volume of waste or recyclable material to be disposed at the facility.

SECTION 4 - PROHIBITED ACTIVITIES

A. It shall be unlawful for any person to collect municipal waste or source-separated recyclable materials from any residential, public, commercial, industrial or institutional establishment within the Township of Hilltown without first securing a license to do so from the Township in accordance with the provisions of this Ordinance.

B. It shall be unlawful for any person to collect and/or transport municipal waste or source-separated recyclable materials from any sources within the Township of Hilltown in a manner not in accordance with the provisions of this Ordinance, any applicable municipal ordinance, the Bucks County Municipal Waste Management Plan, Act 101, the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations (25 Pa. Code Chapter 285), and/or any other federal, state, or local regulations.

C. It shall be unlawful for any person to transport any municipal waste or source-separated recyclable materials collected from within the Township of Hilltown to any processing and/or disposal facility other than those facilities designated by separate resolution of the Township.

D. 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 the Township of Hilltown without prior approval from the Township.

E. It shall be unlawful for any person to permit, assist, cause or pay an unlicensed collector or waste hauler to collect or transport any municipal waste and/or source-separated recyclable materials from any residential, commercial, industrial or institutional establishment.

SECTION 5 - STANDARDS FOR COLLECTION AND TRANSPORTATION

A. All collectors or waste haulers operating within the Township of Hilltown must comply with the following minimum standards and regulations:

(1) All trucks or other vehicles used for collection and transportation of municipal waste and/or source-separated recyclable materials must comply with the requirements of Act 97 and Act 101 and Department 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.

(2) 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.

(3) 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) 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.

(5) 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 (6) inches in height as required by Act 101.

B. All collection vehicles and equipment used by licensed collectors or licensed waste haulers shall be subject to inspection by the Township of Hilltown or its authorized agents at any reasonable hour without prior notification.

SECTION 6 - LICENSING REQUIREMENTS

A. No person shall collect or remove and then subsequently haul or transport any municipal waste or source-separated recyclable material through or upon the streets of the Township of Hilltown without first obtaining a Waste Flow Control License in accordance with the provisions of this Ordinance. This section shall not apply to private individuals (e.g. homeowners) who wish to transport their own household waste or recyclables to County-designated facilities, nor to farmers, landscapers, or nurserymen who collect, remove, haul, or otherwise transport agricultural or other organic waste associated with their respective business activities.

B. All collectors and waste haulers shall be licensed by the Township of Hilltown and designated as a "Licensed Waste Hauler" or a "Licensed Collector." It is the intent of this Section to supplement and consolidate licensing requirements set forth herein with those required by the existing Hilltown Township Recycling Ordinance, Ordinance No. 90-5, so as to establish a single waste flow control license requirement within the Township.

C. As a condition of acquiring and maintaining a license to operate within the Township, each licensed waste hauler or collector shall dispose of all municipal waste and source-separated recyclables at a facility or facilities designated by the Township. Noncompliance with this subsection shall be grounds for revocation of a waste hauling company's license to collect waste in the Township.

D. Any person who desires to collect and subsequently haul or transport municipal waste within the Township of Hilltown shall submit a Waste Flow Control License

application and any application fee to the Township or its designated licensing representative. Any collector or waste hauler operating within the Township as of the effective date of this Ordinance must apply for and be issued a Waste Flow Control License in order to continue to operate within the Township. Subsequent to initial licensing, any licensed collector or waste hauler possessing an existing license shall submit a license renewal application and fee to the Township of Hilltown at least forty-five (45) days prior to the expiration date of the existing license, if renewal of the license is desired. New license applicants must submit a license application and fee at least forty-five (45) days before beginning collecting and transporting municipal waste and/or source-separate recyclables in the Township. The Township shall have forty-five (45) calendar days to review any application and take approval or denial action. If the Township fails to take action within forty-five (45) days, the application will be deemed to be approved.

E. The license fee per waste hauling company, shall be set by the Board of Supervisors of Hilltown Township on an annual basis. All licenses are nontransferable and shall be issued for a period of one (1) calendar year. There shall be no reduction or prorated fee for any license issued during a calendar year.

F. The Waste Flow Control License application form, which will be supplied by the Township, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste and/or source-separated recyclables, including, but not limited to:

- (1) Name and mailing address of the applicant.
- (2) Name and telephone number of contract person.
- (3) List of all collection vehicles to be covered under the license including, as a minimum the following information for each vehicle: identification information for each vehicle (such as vehicle license number, vehicle registration number, and company identification number); date and location of most recent vehicle inspection; and hauling capacity of the vehicle.
- (4) Type of municipal waste or source-separated recyclable material to be collected and transported.

(5) Certificate(s) of insurance must accompany the application form as evidenced that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by separate resolution of the governing body of the municipality.

G. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this Ordinance or is in violation of the provisions of this Ordinance.

H. All licensed collectors or licensed waste haulers are also subject to, as a condition of licensing, the provisions of Sections 3 and 7 of this Ordinance.

I. All licensed collectors or waste haulers shall meet the requirements of Act 97, Act 101, the Bucks County Municipal Waste Management Plan, all DER rules and regulations (25 Pa. Code Chapter 285) and any applicable Bucks County Department of Health regulations regarding storage, collection and transportation of municipal waste and source-separated recyclable materials including provisions for proper labeling of collection and transfer vehicles.

SECTION 7 - REPORTING REQUIREMENTS

A. All licensed collectors and licensed waste haulers shall promptly report any significant changes in the collection vehicles or equipment covered under the license and any changes in insurance coverage to the Township.

B. All licensed collectors and licensed waste haulers shall maintain current, up-to-date records of the collected municipal waste and/or source separated recyclable material within the Township of Hilltown. Such records and collected volume reports shall be subject to review by and made available to the Township or its authorized agents upon written request.

C. All licensed collectors and licensed waste haulers operating within the Township of Hilltown shall participate in the Bucks County Municipal Waste Documentation Program. Said program shall be developed and put into operation by

the County for the purpose of documenting the origin of municipal waste and source-separated recyclable material and the ultimate disposal point of said waste and recyclables. As part of the program, each licensed collector and licensed waste hauler shall prepare and submit a semiannual report to the Township of Hilltown. The report for the first half of the year (January through June) shall be submitted on or before July 31 and the report for the second half of each year (July through December) shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each report:

(1) Total weight of municipal waste and source-separated recyclable materials collected from all sources within the Township during each month of reporting period; and

(2) Name of each processing and/or disposal facility used during the reporting period and total weight of municipal waste and/or source-separated recyclable materials delivered to each facility during each month of the reporting period.

(3) Any other information determined to be necessary during the development and implementation of the Bucks County Municipal Waste Documentation Program.

D. All semiannual reports submitted to the Township from licensed collectors and licensed waste haulers shall be submitted by the Township to the County by August 31 (covering January through June) and by February 28 of the following year (covering July through December).

SECTION 8 - PENALTIES

A. Any person who violates any provision of this Ordinance shall, upon conviction at a summary proceeding, be sentenced to pay a fine to the use of the Township of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) together with the costs of prosecution, or be imprisoned for a period of not more than thirty (30) days, or both. Each day of violation shall be considered as a separate offense.

B. The Township of Hilltown shall have the right at any time, and without refund of any license fee, to suspend or revoke the license of any licensed collector or waste hauler for any of the following causes:

(1) Falsification or misrepresentation of any statements in any license application;

(2) Lapse or cancellation of any required insurance coverages;

(3) Collection and/or transportation of any municipal waste or source-separated recyclable material in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Ordinance, Bucks County Department of Health regulations, and/or any applicable federal, state or local regulations.

(4) Transportation and disposal of any municipal waste or source-separated recyclable material collected within the Township to any site that is not a designated facility in the Bucks County Municipal Waste Management Plan or that is not properly permitted by the Pennsylvania DER;

(5) Failure to dispose of municipal waste or source-separated recyclables at the facility(ies) stated in the license application; and

(6) Violation of any part of this Ordinance, any other applicable County or municipal ordinances, the Bucks County Municipal Waste Management Plan, or any applicable Pennsylvania laws or regulations.

SECTION 9 - INJUNCTIVE POWERS

The Township of Hilltown 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 10 - SEVERABILITY

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 11 - CONFLICT AND INTERPRETATION

In interpreting the requirements and provisions of this Ordinance, they shall be construed together with the requirements and provisions of the Hilltown Township Recycling Ordinance, Ordinance No. 90-5. All other ordinances or any parts of ordinances which conflict with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall take effect on the 1st day of January, A.D., 1992.

ORDAINED AND ENACTED this 23rd day of December, A.D., 1991.


HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS







Attest:



Secretary