

ORDINANCE NO. 90-5

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN REQUIRING MUNICIPAL WASTE REDUCTION BY THE ESTABLISHMENT OF A RECYCLING PROGRAM AND DEFINING THE SCOPE THEREOF; DETERMINING THE LEGAL AUTHORITY AND THE PURPOSES AND GOALS OF ENACTMENT; ESTABLISHING THE POWERS, DUTIES AND RESPONSIBILITIES OF THE TOWNSHIP OF HILLTOWN; DESIGNATING SITES FOR DISPOSAL AND/OR PROCESSING; IMPLEMENTING A SOURCE-SEPARATION AND COLLECTION PROGRAM FOR RECYCLABLE MATERIALS; AUTHORIZING RECYCLING BY RESOURCE RECOVERY OR LANDFILL FACILITY OPERATORS INCLUDING DROP-OFF CENTERS; REQUIRING CERTAIN PUBLIC NOTICE; REQUIRING ANNUAL REPORTS; AND PRESCRIBING PENALTIES FOR VIOLATION

The Hilltown Township Board of Supervisors hereby ordains as follows:

SECTION ONE - SHORT TITLE

This Ordinance shall be known and may be cited as the "Hilltown Township Waste Reduction and Recycling Ordinance".

SECTION TWO - AUTHORITY

This Ordinance is enacted pursuant to the Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980 and the Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988.

SECTION THREE - PURPOSE AND GOALS

It is the purpose of this Ordinance to:

1. Require waste reduction and recycling as a means of managing municipal waste, conserving resources and supplying energy.
2. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of municipal waste.
3. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.

4. Establish and implement within the Township of Hilltown, a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing or disposal facilities.

5. Each person living or working in the Township of Hilltown shall be taught the economic, environmental, and energy value of recycling and waste reduction, and shall be encouraged through a variety of means to participate in such activities.

6. The Township of Hilltown shall, to the greatest extent practicable, procure and use products and materials with recycled content, and procure and use materials that are recyclable.

SECTION FOUR - DEFINITIONS

Words and phrases, not defined below, when used in this Ordinance shall have the meaning ascribed to them in the Definitions Section of the Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980, as amended, and the Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988, as amended.

1. Collector - A person engaged in the business of transporting and/or collecting solid waste or recyclable materials within the Township of Hilltown.

2. Municipality - The Township of Hilltown, County of Bucks, Commonwealth of Pennsylvania.

SECTION FIVE - POWERS, DUTIES AND RESPONSIBILITIES OF THE TOWNSHIP

1. Responsibilities - The Township shall have the power and its duty shall be to assure the proper and adequate transportation, collection and storage of municipal waste which is generated or present within its boundaries, to assure adequate capacity for the disposal of municipal waste generated within its boundaries by means of the procedure set forth in Section 1111 of the Municipal Waste Planning, Recycling and Waste Reduction Act and to adopt and implement a program for the collection and recycling of municipal waste or source-separated recyclable materials as provided in this Ordinance.

2. Powers - In carrying out its duties under this section, the Board of Supervisors may adopt resolutions establishing procedures, regulations and standards for the recycling, transportation, storage and collection of municipal wastes, or source-separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and the regulations promulgated pursuant thereto.

3. Duties - The Township shall implement the provisions of this Ordinance by collecting, transporting, processing or marketing source-separated materials or may contract, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection and storage of municipal waste and source-separated recyclable materials, if the recycling, transportation, collection or storage activity or facility is conducted or operated in a manner that is consistent with the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, this Ordinance and the regulations promulgated pursuant thereto. Any such person shall be jointly and severally responsible with the Township when carrying out its duties for transportation, collection or storage activity or facility.

SECTION SIX - TOWNSHIP RECYCLING PROGRAM

The Township hereby establishes and implements a source-separation and collection program for recyclable materials in accordance with Section 1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act. The source-separation and collection program shall include the following regulations:

1. Persons are hereby required to separate three (3) materials, deemed appropriate hereafter, from other municipal waste generated at their homes, apartments and other residential establishments and to store such material until collection. The materials designated are the following: clear glass, aluminum and newsprint. Nothing in this Ordinance shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection by the Township approved collector.

2. Persons are hereby required to separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments until collection unless those persons have otherwise provided for the composting of leaf waste. The Board of Supervisors of Hilltown Township shall allow an owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four (4) or more units to comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this Ordinance shall not be liable for the noncompliance of occupants of their buildings.

3. Persons are hereby required to separate high grade office paper, aluminum, corrugated paper and leaf waste and other material deemed appropriate generated at commercial, municipal or institutional establishments and from community activities, and to store the material until collection. The Board of Supervisors of Hilltown Township shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the requirements of this Ordinance if those persons have otherwise provided for the recycling of materials they are required by this ordinance to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must, annually, apply for a permit to do so and pay a fee established pursuant to Resolution, and provide written documentation to the Township of the total number of tons recycled or estimated to be recycled.

4. At least once per month, the following separated materials are hereby required to be placed at the curbside or a similar location in containers supplied for collection by the Township.

Materials:

- A. Clear Glass
- B. Aluminum
- C. Newsprint

5. The Township approved collector shall collect recyclable materials from curbside or similar locations designated by Resolution at least once per month from each residence or other person generating municipal waste in the Township of Hilltown.

SECTION SEVEN - LICENSING OF COLLECTORS

1. No person shall engage in the business of transporting and/or collecting solid waste or recyclable materials within the Township of Hilltown unless licensed to do so in accordance with this Ordinance and subsequent resolutions.

2. No license shall be granted if the place and method of transportation and storage of solid waste and/or recyclable materials do not conform to the requirements of this Ordinance.

3. Any person who fails to comply with this Ordinance or regulations adopted pursuant to this Ordinance shall be subject to license revocation by the Township.

SECTION EIGHT - CONTENTS OF LICENSE APPLICATION

Applications for collector's license shall be in the form prescribed by the Supervisors and shall contain the following information:

1. Applicant's name, address and date of application.

2. Name and address of the owner of each collection vehicle.

3. Make, serial number and Pennsylvania license number of each collection vehicle.

4. Proposed collection schedule.

5. Place and method of disposal of refuse.

6. Such other information as is designated by subsequent resolution of the Supervisors.

SECTION NINE - PUBLIC NOTICE

The Township of Hilltown shall establish a comprehensive and sustained public information and education program

concerning recycling program features and requirements. As a part of this program, the Township Secretary shall, at least thirty (30) days prior to the initiation of the recycling program and at least once every six (6) months thereafter, notify all persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this Ordinance. The Township Secretary shall, as he or she deems necessary and appropriate, place an advertisement in a newspaper circulating in the Township of Hilltown, post a notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers or utilize any combination of the foregoing.

SECTION TEN - DROP-OFF CENTERS

Persons who operate a municipal waste landfill, resource recovery facility or transfer station under contract with this Township shall establish at least one drop-off center at a location, designated by the Township by Resolution of the Board of Supervisors, for the collection of at least three (3) recyclable materials.

The three (3) materials shall be clear glass, aluminum and newsprint. The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility. Each drop-off center must contain bins or containers where recyclable materials may be placed or temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight (8) hours per week, including four (4) hours during evenings or weekends, pursuant to a schedule established by Resolution of the Board of Supervisors.

Each operator shall, at least thirty (30) days prior to the initiation of the drop-off center program and at least once every six (6) months thereafter, provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the Township or provide notice in another manner approved by the Board of Supervisors.

SECTION ELEVEN - ANNUAL REPORT

On or before February 15 of each year, the Township Secretary shall submit a report to the County of Bucks

which shall describe the weight or volume of materials that were recycled in the municipal recycling program in the preceding calendar year.

SECTION TWELVE - CRIMINAL PENALTIES

Any person, other than a municipal official exercising his official duties, who violates any provision of this Ordinance, any resolution enacted hereunder, any order issued hereunder, or the terms or conditions of any contract awarded in the implementation of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

SECTION THIRTEEN - REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION FOURTEEN - SEVERABILITY

If any sentence, clause, 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included. herein.

SECTION FIFTEEN - EFFECTIVE DATE

This Ordinance shall become effective *five days hereafter*
of the date of adoption, of August 27, 1990.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

[Signature]

Kenneth B. Benjamine

Betty J. Kelly
