

ORDINANCE NO. 2010 - 4

**AN ORDINANCE AMENDING CHAPTER 129 OF
THE CODE OF THE TOWNSHIP OF HILLTOWN,
REGULATING SOLID WASTE AND RECYCLING
IN THE TOWNSHIP OF HILLTOWN, BUCKS COUNTY,
PENNSYLVANIA**

The Board of Supervisors of Hilltown Township desires to amend Chapter 129 of the Code of Hilltown to provide regulation for the disposal of solid waste and recyclable materials collected within Hilltown Township to protect and preserve the health, safety, welfare and quality of life of both residents and the general public.

1. TITLE

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

2. STATUTORY AUTHORITY

This article is enacted pursuant to 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.

3. PURPOSE AND GOALS

It is the purpose of this article to:

- A. Require waste reduction and recycling as a means of managing municipal waste, recyclable materials, conserving resources and supplying energy.
- B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of municipal waste.
- C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of effective, comprehensive solid waste and recycling management program.
- D. 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.
- E. Each person living or working in the Township of Hilltown shall be taught the economic, environmental, and energy value of recycling and waste reduction.

- F. 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.

4. DEFINITIONS

For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them herein:

1. **AGENT** - one who performs an act for his immediate family or for another person as defined in this ordinance, with or without compensation.
2. **ALUMINUM CANS** - empty, all-aluminum beverage containers.
3. **AUTHORIZED COLLECTOR** - a Private Hauler (as defined herein), or a person who, being so authorized by the terms of this Ordinance, who removes recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent of another person.
4. **BI-METALLIC CANS** - empty food or beverage containers consisting of both steel and aluminum.
5. **BULK ITEMS** - any large durable goods, including but not limited to, refrigerators, washing machines, window air conditioners, hot water heaters, dishwashers, dressers, beds, mattresses, sofas, and television sets.
6. **COLLECTOR** - a general term referring to any person who collects, for removal from premises, municipal waste or recyclables.
7. **COMMERCIAL** - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, financial or professional service or office enterprise, business or establishment.
8. **COMMINGLE or COMMINGLED RECYCLABLES** - recyclables mingled or blended together, placed in the same container.
9. **COMMUNITY ACTIVITY** - events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.
10. **COMPOSTING** - the process of the biological decomposition of organic solid waste being biologically decomposed under controlled anaerobic or aerobic conditions to yield humus like product.

11. **CORRUGATED PAPER** - structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packing cartons and boxes.
12. **CURBSIDE COLLECTION** - a method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties by placing them at curbside at a time designated by an authorized collector for collection and removal thereof for delivery to a recycling center.
13. **CURBSIDE** - that location at the edge of any lot, parcel or piece of land adjacent to a public right-of-way or roadway, and which location is most accessible and/or convenient to any authorized collector, as defined by this ordinance, for the purpose of collecting municipal waste and/or recyclables.
14. **DEVELOPMENT** - a recorded residential subdivision in which homeowners are members of a duly organized, validly existing property owners association or corporation and which has been recognized by the Township of Hilltown.
15. **DISPOSAL** - the incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.
16. **DISPOSAL AREA** - any site, location, area, building, structure, transfer station or premises to be used for municipal solid waste and recycling disposal.
17. **GARBAGE** - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
18. **GLASS CONTAINERS** - all empty food and beverage jars or bottles, the product being transparent or translucent (clear, green or brown). Expressly excluded are non-container glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.
19. **HIGH GRADE PAPER** - bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper, and computer paper.
20. **INSTITUTIONAL** - of, or pertaining to, any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, schools, universities, churches and social or fraternal societies and organizations.
21. **LANDLORD** - the owner of residential property, made subject to a lease, or such owner's authorized agent.
22. **LEAF WASTE** - as defined in Act 101, as adopted and amended, includes leaves, garden residue, shrubbery and tree trimmings, and similar material, but not grass clippings.

23. **MAGAZINES** - printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.
24. **MULTIFAMILY DWELLING** - a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.
25. **MUNICIPAL** - of, or pertaining to, any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, Township of Hilltown, any Counties, Cities, Boroughs, Townships and municipal authorities.
26. **MUNICIPALITY** - The Township of Hilltown, County of Bucks, Commonwealth of Pennsylvania.
27. **MUNICIPAL WASTE** - any garbage, refuse, industrial, lunchroom or office waste and other materials, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal or commercial or institutional establishments, or from community activities and which are not classified as residual or hazardous waste, except farm produced manure, other agricultural waste and food processing with used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of "residual or hazardous waste," as defined in Commonwealth of Pennsylvania Solid Waste Management Act. The term does not include source-separated recyclable materials or leaf waste.
28. **MUNICIPAL WASTE LANDFILL** - any facility that is designed, operated, used and or maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.
29. **NEWSPAPER** - paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper and any other paper products of any nature.
30. **PERSON** - any agent, individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is 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.

31. **PLASTIC CONTAINERS** -empty plastic food and beverage bottles, the specific types of which are:
 - A. #1 PET
 - B. #2 HDPE
 - C. Other such plastic as may be designated by ordinance of the Township of Hilltown.
32. **PRIVATE HAULER** - a person licensed by the Commonwealth of Pennsylvania as per the amended Title 25 (Environmental Protection), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect, haul, and transport recyclables. All such haulers shall comply with the provisions of Title 27, as well as all Federal, State, County and local laws and regulations.
33. **RECYCLABLES** - materials designated as recyclable in this ordinance, or required by the terms of this ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled.
34. **RUBBISH** – waste materials exclusive of garbage (e.g., non-recyclable glass, metal, paper or plastic) and non-compostable plant material, wood or non-putrescible solid waste.
35. **STEEL CANS** - empty food or beverage containers made of steel, tin-coated steel or ferrous metal food or beverage containers.
36. **STORAGE** - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of 1 year constitutes disposal. This presumption may be overcome only by clear and convincing evidence to the contrary.
37. **TRANSPORTATION** - the removal from any site or location of any municipal waste or recyclable materials at any time after generation thereof.
38. **WASTE** - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials, leaf waste or material approved by the Commonwealth of Pennsylvania, Department of Environmental Protection for beneficial use.
39. **YARD WASTE** – as defined in Act 101, as adopted and amended, includes leaves, garden residue, shrubbery, tree trimmings, and grass clippings.

5. GENERAL REGULATIONS

A. Compliance with Ordinance

Each person or entity, who or which generates municipal waste and/or recyclable materials shall have such waste and recyclable materials collected by a private hauler, who is legally operating within the Township of Hilltown, and such collection shall be no less frequent than one time per week.

B. Dumping; Litter

It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of any municipal waste and/or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste and/or recyclables in any stream, body of water or on any public right-of-way within the Township.

Nothing contained herein shall prohibit a duly constituted Property Owners' Association or corporation from assembling recyclables at a central, accessible location, provided such activities are conducted and confined within the boundaries of that real estate development or subdivision, as defined herein, lawfully recorded and recognized as such when being maintained in a manner that does not cause a public nuisance.

C. Collection By Unauthorized Person

From the time of placement of residentially generated recyclable items for curbside collection in accordance with the terms of this ordinance, the items shall be and become the property of the private hauler and the Township of Hilltown. It shall be a violation of this ordinance for any person unauthorized by the Township to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

No person, except the occupants of the property on which a municipal waste and/or recycling container is placed, a private hauler, the Township of Hilltown Recycling Coordinator or such other person as the Township may designate and the duly authorized agent or representative of property owners association or corporation recognized as such by the Township, shall remove the lids of the container and/or remove the contents thereof.

D. Separation of Recyclables

Recyclables, leaf, and yard waste shall be kept separate from municipal waste, for the purpose of recycling and composting respectively, to the extent required by the following provisions:

1. Owners and occupants of all residential properties shall keep separate the following recyclables for the purpose of curbside recycling: clear glass

containers, brown glass containers, green glass containers, aluminum cans, steel/bi-metallic cans, #1 and #2 plastic bottles, newspapers and leaf waste.

2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: clear glass containers, brown glass containers, green glass containers, aluminum cans, steel/bi-metallic cans, corrugated paper, newspapers and office paper. Leaf and Yard waste shall also be kept separate for the purpose of composting. Owners and occupants of commercial, municipal and institutional establishments may seek an exemption to the requirements of this section (as specified under Act 101, Section (c)(1)(iii)) if the owners and occupants have otherwise provided for recycling of the materials they are required by this ordinance to recycle. To be eligible for an exemption a commercial, municipal or institutional solid waste generator must submit an annual report showing materials that were recycled and the total number of tons recycled to the Township's Recycling Coordinator no later than February 15 of each year.

E. Separation and Collection of Leaf and Yard Waste

Unless otherwise provided for composting, all persons shall keep leaf and yard waste separate from all other forms of municipal waste and separate from recyclables. Leaf and yard waste shall be set out for collection in a manner to be designated by the Township of Hilltown and the private hauler and shall be delivered by the private hauler to a composting facility operating in accordance with Pennsylvania Department of Environmental Protection's Regulations and Guidelines for Composting Facilities. Act 101, as amended, requires curbside pick-ups of leaf and yard waste. Specifically, there shall be at minimum one spring collection of yard waste and two fall collections of leaf waste. The Township of Hilltown shall establish specific collection regulations by Resolution. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch, or other agricultural purposes.

F. Placement for Removal of Residential Recyclables

For residential properties other than multi-family dwellings, all recyclables, which are required to be kept separate from municipal waste in residential properties, shall be placed at curbside no earlier than the evening prior to pick up and shall be removed from curbside no later than the evening of pickup. Private haulers shall collect all recyclables no less than biweekly. All recyclables placed curbside shall be collected by a private hauler.

G. Placement for Removal of Recyclables from Multi-Family Housing Properties

For multi-family dwellings, all recyclables, which are required to be kept separate from municipal waste in residential properties, shall be placed at curbside no earlier than the evening prior to pick up and shall be removed from curbside no later than the evening of pickup. Private haulers shall collect all recyclables no less than biweekly. All recyclables placed curbside shall be collected by a private hauler.

The owner, landlord or agent or, when appropriate, the board of directors, of every multifamily dwelling shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this ordinance governing separation and/or placement for removal of recyclables in multi-family dwellings. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and placement for removal of recyclables generated by the residents of such properties.

The collection system must include suitable containers for collection 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 the aforementioned requirements relative to multifamily dwellings shall not be liable for the noncompliance of occupants of their building.

H. Development/Property Owners' Associations

Where a Property Owners' Association desires to provide curbside collection of recyclables, to include leaf and yard waste, consistent with the requirements of this ordinance, and delivers same to a central accessible location for collection by a private hauler, the said Property Owners Association shall, as a condition of such authorization, comply with the following:

1. Provide a Collection Plan to the Township, providing such documentation and information as the Township may prescribe relative to curbside collection of municipal waste, recyclables and leaf and yard waste.
2. Indicate the exact position of the central, accessible location where municipal waste, recyclables, leaf and/or yard waste are to be assembled for collection by a private hauler.
3. Specify the identity of the private hauler responsible for recyclables, leaf and/or yard waste collection and the facility used for deposition of the material collected.
4. Update all the above information on an annual basis.
5. Notify the Township within five business days of any change in any of the above prescribed information.

I. Preparation and Storage of Recyclables

Any person accumulating or storing municipal waste or recyclables on private or public property within the Township, including recyclables assembled within a development, for any purpose whatsoever shall place the same, or cause the same to be placed, in a closed or covered sanitary container

All recyclables shall be placed in the above-mentioned containers and prior to such placement, all recyclable materials shall be rinsed clean of all liquid and debris.

No person shall place or cause to be placed municipal solid waste in a recycling container, and no person shall place or cause to be placed recycling material in a municipal waste container.

Corrugated cardboard, newspaper and office paper shall be placed in easy-to-manage bundles kept dry and placed in proper recycling containers. Glass containers, steel/ bimetallic cans, plastics and aluminum cans shall be emptied and cleaned. Aluminum cans, steel/bimetallic cans and glass containers may be mixed together and placed in the same container.

Recyclables may be set out for collection in a manner different from the requirements above if an alternative manner is designated by the authorized collector and is approved by the Township of Hilltown.

6. PRIVATE HAULER RESPONSIBILITIES

A. Authorization of Private Haulers

It shall be unlawful for any person, except for litter control and/or roadside clean up personnel, and other persons licensed by the Commonwealth of Pennsylvania as per the amended Title 25 (Environmental Protection), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect haul transport municipal waste and recyclables. All such haulers shall comply with the provisions of Title 25, as well as all Federal, State, County and local laws and regulations to collect and to transport waste of any nature or recyclables within or from the Township. Authorization to collect, transport and for proper disposition of municipal waste or recyclables for persons other than one's self or for whom one is acting as agent (as defined in this ordinance) may be given only by the Commonwealth of Pennsylvania through the issuance of a collector's license.

Nothing in the section shall prohibit a duly organized and registered Property Owners' Association from assembling municipal waste at a central, accessible location within the confines of its development for ultimate collection as required herein.

B. Duties of Private Haulers

Private haulers shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit and to service each of their customers in accordance with their current license or to service each of their customers in accordance with the requirements of this ordinance, any failure of which shall be a violation of this ordinance.

The private hauler shall have placed on the doors or each side of the body of each vehicle the name of the hauler, the telephone number of the hauler's office or headquarters, and the type of waste being transported therein (or, if recyclables are being transported therein, then such to be indicated). The size of such lettering shall be no less than six (6) inches in height and clearly legible. Vehicles shall be so marked within ten (10) days after the commencement of their use in the Township.

Private haulers shall empty bulk containers (such as dumpsters) which have been provided by them to their customers, and when such bulk containers become full.

Private haulers shall furnish and provide collection and disposal of recyclables in accordance with the terms of this ordinance.

Private haulers shall have the window sticker issued for each vehicle with the license displayed on the vehicle for which it is issued at the time the License is issued as directed by the amended Title 25 (Environmental Protection), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes.

Private haulers shall not place bulk containers, commonly referred to as roll off containers, on any Township right-of-way without proof that a permit has been issued by the Department of Public Works.

1. The Township reserves the right to authorize removal of such bulk waste containers from the right away in the event a current permit is not in effect or the containers contents have become a public nuisance.
2. Private haulers shall not load any source separated recyclables, leaf and/or yard waste into any vehicle that contains municipal waste.

C. Private Haulers – Removal of Recyclable Materials

All private haulers contracted for municipal waste collection shall provide such customers (residential, multifamily, commercial, municipal and institutional) the service of removing recyclables, as defined in this ordinance, from their properties at the curbside or an appropriate location on the premises. Any such materials so removed by a private hauler shall be kept separate from municipal waste and shall be taken to a facility for the respective purpose of recycling or composting. Failure to provide said services shall be a violation of this ordinance.

In addition all multi-family, commercial, municipal and institutional establishments contracting for municipal waste collection will be considered to be contracting for recycling removal and the private hauler will place appropriate recycling along with waste containers on the appropriate location of the premises.

D. Recycling Reports

All private haulers shall submit to the Township's Recycling Coordinator, a quarterly recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken. Each such quarterly recycling report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar year basis, thus: January through March; April through June; July through September; and October through December.

E. Transportation of Recyclables

Any person or private hauler transporting municipal waste and recycling within the Township shall prevent or remedy any spillage or leakage from vehicles or containers used in the transport of such municipal waste and recycling.

All private haulers shall be required to collect and remove recyclables in motor-driven vehicles having enclosed, metal, leak proof bodies with metal covers or covers made of such material as to prevent the contents from escaping.

F. Disposal

Each private hauler shall have a valid agreement covering the use of an appropriate disposal facility in accordance with the Bucks County Solid Waste Management Plan, or such other law, as may be applicable, which governs the use and maintenance of any such disposal facility.

7. ENFORCEMENT; VIOLATIONS AND PENALTIES

Upon and after the effective date of this ordinance, it shall be unlawful for any person or persons to dispose of any recyclable items as established above, commingled with other solid waste not required to be recycled or to dispose of such items in other places that will not insure that items are recycled, unless written authorization by the Township is given due to the material being so contaminated that it is unacceptable for recycling.

Any person, firm or corporation who violates any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each offense and/or be imprisoned for a period not exceeding thirty (30) days. Each day that a violation of this ordinance continues shall be considered a separate offense.

In addition, private haulers who shall violate any provision of this ordinance may be reported to the Commonwealth of Pennsylvania Department of Environmental Protection and may be subject to revocation of State authorization to transport municipal waste, as described in the amended Title 25 (Environmental Protection), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes

8. SEVERABILITY

The Sections of this Ordinance are severable; and if any Section or part thereof is found to be unconstitutional or unenforceable, then such determination shall not affect the validity of the remaining Sections or parts thereof.

9. REPEALER

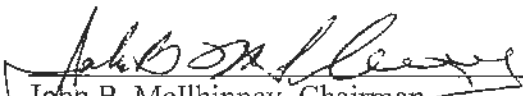
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

10. EFFECTIVE DATE

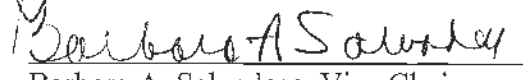
This Ordinance shall take effect five (5) days following enactment.

Enacted and Ordained by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania on the 27th day of September 2010.

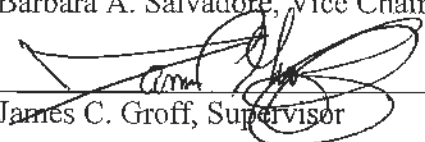
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