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**AN ORDINANCE FOR THE
COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE
AND SOURCE-SEPARATED RECYCLABLES**

**TOWNSHIP OF HILLTOWN
BUCKS COUNTY, PENNSYLVANIA**

Ordinance No. 2007 - 14

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN, THE COUNTY OF BUCKS, PENNSYLVANIA, ESTABLISHING AN ORDINANCE OF ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL WASTE AND SOURCE-SEPARATED RECYCLABLES GENERATED WITHIN THE TOWNSHIP OF HILLTOWN, 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.

NOW, THEREFORE, the Board of Supervisors of Hilltown 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 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 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).

"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.

SECTION 3: PROHIBITED ACTIVITIES

It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial, industrial or institutional establishment within Hilltown Township without first securing written authorization from the PADEP in accordance with the provisions of Act 90.

It shall be unlawful for any person to store, collect and/or transport municipal waste or source-separated recyclable materials from any sources within Hilltown 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.

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 Hilltown Township without prior approval from the municipality.

SECTION 4: STANDARDS FOR COLLECTION AND TRANSPORTATION

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

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.

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.

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.

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.

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.

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

SECTION 5: LICENSING and REGISTRATION REQUIREMENTS

No person shall collect, or remove any municipal waste from within Hilltown 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 Hilltown 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.

For a Collector or Waste Hauler to collect and transport municipal waste within Hilltown Township a Collector or Waste Hauler shall submit a registration form to Hilltown 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 of the following information that *may* be deemed appropriate by the municipality:

- A. A list of collection vehicles covered under the written authorization including, as a minimum, the following information for each vehicle: identification information for each vehicle (such as vehicle license number, vehicle registration number, or company identification number); date and location of most recent vehicle inspection; and hauling capacity of the vehicle.
- B. The type of municipal waste to be collected and transported.
- C. Certificate(s) of Insurance evidencing that the waste hauler or collector 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.
- D. If they are hauling or collecting Source-Separated Recyclable Materials in the municipality, identify the materials being hauled or collected and provide the following information for each vehicle: identification information for each vehicle (such as vehicle license number, vehicle registration number, or company identification number); date and location of most recent vehicle inspection; and hauling capacity of the vehicle.

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 (name of municipality).

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 6: REPORTING REQUIREMENTS

All Licensed Collectors and Licensed Waste Haulers and collectors and haulers of Source-Separated Recyclable Materials operating within Hilltown 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 Hilltown 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 Hilltown Township by January 31 of each year and include all of the required information pertaining to the preceding calendar year.

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 7: PENALTIES

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 8: 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 9: 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 10: CONFLICT

Any ordinances or any part of any ordinance that conflicts with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

SECTION 11: EFFECTIVE DATE

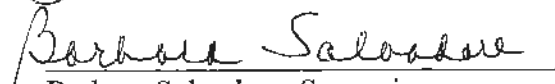
This Ordinance shall take effect on the 1st day of September, 2007.

ORDAINED AND ENACTED into an Ordinance this 27th day of August, 2007.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS


Richard J. Manfredi, Chairman


John B. McIlhinney, Vice Chairman


Barbara Salvadore, Supervisor