

ORDINANCE NO. 31
MUNICIPAL WASTE HAULER LICENSING ORDINANCE

Township of Buffalo

COUNTY OF WASHINGTON, PENNSYLVANIA

AN ORDINANCE OF THE MUNICIPALITY OF BUFFALO TOWNSHIP, COUNTY OF WASHINGTON, PENNSYLVANIA, ESTABLISHING A LICENSE PROGRAM FOR ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL WASTE GENERATED FROM SOURCES LOCATED IN THE TOWNSHIP OF BUFFALO; PROVIDING FLOW CONTROL REQUIREMENTS TO REGULATED PROCESSING AND/OR DISPOSAL SITES; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the County Commissioners of Washington County have approved and adopted the Municipal Waste Management Plan for Washington County, as amended 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 has been duly ratified by the municipalities in Washington County; and

WHEREAS, the Board of Supervisors of Buffalo Township, Washington County Pennsylvania, has the power and duty to adopt any such ordinances deemed necessary to implement required elements of said Plan by the authority vested to Buffalo Township pursuant to Section 304 of Act 101, including requirements that all persons obtain licenses to collect and transport municipal waste, subject to the plan, to a municipal waste processing and/or disposal facility properly permitted by the Pennsylvania Department of Environmental Protection (DEP) or other applicable regulatory agency.

NOW, THEREFORE, the Board of Supervisors of the Township of Buffalo, Washington County, Pennsylvania, do hereby enact and ordain as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and referred to as the "Municipal Waste Hauler Licensing Ordinance."

SECTION II: 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 (SB 528, 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.

Commercial Establishment --- Means any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

Department or DEP --- Shall mean the Pennsylvania Department of Environmental Protection.

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 municipal waste collector or hauler possessing a current License issued by Buffalo Township pursuant to this Ordinance.

Municipal Waste --- Means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid 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 any 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.

Municipal Waste Landfill --- Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DEP for such purposes.

Municipality --- Shall mean the Township of Buffalo.

Person --- Means any individual, partnership, corporation, association, institution, cooperative enterprises, municipal authority, municipality, State institution and 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, penalty or imprisonment, 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 stations, composting facilities and resources 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 mechanical separation and treatment of municipal waste (other than 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 solid waste processing or disposal facility.

Source-Separated Recyclable Materials --- Means materials 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 purposes of this Ordinance, the singular shall include the plural and the masculine shall include the feminine and neuter.

SECTION III: PROHIBITED ACTIVITIES

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 Buffalo

Township without first securing a license to do so in accordance with the provisions of this Ordinance.

2. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within Buffalo Township in a manner not in accordance with the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of the DEP's Municipal Waste Management Regulations.
3. It shall be unlawful for any person to transport any municipal waste collected from within Buffalo Township to any processing and/or disposal facility other than those facilities which are properly permitted by the Pennsylvania DEP or other applicable regulatory agency.
4. 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 Buffalo Township without prior approval from the Municipality.

SECTION IV: STANDARDS OR COLLECTION AND TRANSPORTATION

1. All collectors or waste haulers operating within the Township must comply with the following minimum standards and regulations:
 - A. All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.
 - B. All collection vehicles conveying municipal waste shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
 - C. 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.
 - D. All collection vehicles conveying nonputrescible municipal waste shall be capable of being enclosed or covered to prevent litter and other nuisances.

- E. All collection vehicles conveying municipal waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of municipal waste transported by the vehicle. All such signs shall have lettering which is at least six inches (6") in height as required by Act 101.
- 2. All collection vehicles and equipment used by Licensed Collectors or Haulers shall be subject to inspection by the Township or its authorized agents at any reasonable hour without prior notification.

SECTION V: LICENSING REQUIREMENTS

- 1. No person shall collect, remove, haul or transport any municipal waste through or upon the streets of the Township without first obtaining a license in accordance with the provisions of this Ordinance.
- 2. All collectors and waste haulers shall be licensed by the Township of Buffalo and designated as a "Licensed Waste Hauler" or a "Licensed Collector".
- 3. The Township of Buffalo shall reserve the right to designate specific municipal waste processing and/or designate specific municipal waste processing and/or disposal facilities where all Licensed Collectors must transport and dispose all municipal waste collected within the Township of Buffalo
- 4. Any person who desires to collect, haul or transport municipal waste within Buffalo Township shall submit a license application and any application fee to the Municipality or its designated licensing representative. The Municipality shall have a minimum period of 30 calendar days to review any application and take approval or denial action.
- 5. The license fee shall be set by the Board of Supervisors on an annual basis. All licenses are non-transferable 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 the middle of any calendar year.
- 6. The license application form, which will be supplied by the Municipality, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste, including, but not necessarily limited to:
 - A. Name and mailing address of the applicant.
 - B. Name and telephone number of contact person.
 - C. List of all collection vehicles to be covered under the license, including identification information for each vehicle, such as vehicle license number and company identification number.

D. Type of municipal waste collected and transported.

E. Certificate(s) of insurance to present evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by Municipality.

7. Any collector or hauler with an existing license shall submit a new license application and license fee to the Township of Buffalo at least sixty (60) days prior to the expiration date of existing license, if renewal of the license is desired. New license applicants must submit a license application and license fee at least thirty (30) days before beginning collecting and transporting municipal waste in the Municipality.
8. 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.

SECTION VI - REPORTING REQUIREMENTS

1. All Licensed Collectors shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to the Municipality.
2. All Licensed Collectors shall maintain current, up-to-date records of the customers serviced within Buffalo Township. Such records and customer lists shall be subject to inspection and made available to Municipality or its authorized agents upon request.
3. Each Licensed Collector shall prepare and submit a semi-annual report to the Township. 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:
 - A. Total weight of each type of municipal waste collected from all sources within Municipality during each month of reporting period.
 - B. Name of each processing/disposal facility used during the reporting period and total weight of each type of municipal waste delivered to each site during each month of the reporting period.

SECTION VII - PENALTIES

1. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor which is punishable, upon conviction, by a fine of not less than **\$1,000**, nor more than **\$10,000** or by imprisonment for a period of not more than **Thirty (30) days** or both. Each day of violation shall be considered as a separate and distinct offense.
2. The Township of Buffalo shall have the right at any time, and without refund of any license fee, to suspend or to revoke the license of any Licensed Collector or Hauler for any of the following causes:
 - A. Falsification or misrepresentation of any statements in any license application.
 - B. Lapse or cancellation of any required insurance coverages.
 - C. Collection and/or transportation of any municipal waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Ordinance.
 - D. Transportation and disposal of any municipal waste collected within the Municipality at any site that is not properly permitted by the Pennsylvania DEP or other applicable regulatory agency.
 - E. Violation of any part of this Ordinance, any other applicable Municipal ordinances or any applicable Pennsylvania laws or regulations.

SECTION VIII - INJUNCTIVE POWERS

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

SECTION IX - SEVERABILITY

In the event that any section, paragraph, sentence, clause or phrases 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 X - CONFLICT

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

SECTION XI - EFFECTIVE DATE

This Ordinance shall take effect on February 5, _____, 1997.

ENACTED AND ORDAINED into an Ordinance this the 5th day of February, 1997,

TOWNSHIP OF BUFFALO

By: *Alford E. Dwyer*
Chairman, Board of Supervisors

By: *Faust B. Clarke*
Supervisor

By: *J. Ret.*
Supervisor

ATTEST:

J. Ret.
Secretary

(Municipal Seal)