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AMENDMENT TO THE ROBINSON TOWNSHIP CODE OF ORDINANCES,

CHAPTER 20, SOLID WASTE

AN AMENDMENT TO THE ROBINSON TOWNSHIP CODE OF ORDINANCES, CHAPTER 20, SOLID WASTE, ADDING PARTS TWO AND THREE TO SAID CHAPTER.

PART 2
Municipal Waste Regulations

WHEREAS, the Board of County Commissioners have adopted an approved Municipal Waste Management Plan for Washington County 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 of Washington County; and

WHEREAS, pursuant to the authority vested to the Municipality by the Pennsylvania Solid Waste Management of 1980 (Act 97) and Act 101, the Township of Robinson desires to enact an Amendment to its Code of Ordinances to regulate the storage, collection, and disposal of rubbish, refuse, and garbage within the municipality in order to implement such Plan.

SECTION 101: SHORT TITLE

This Amendment to Code of Ordinances shall be known and referred to as the "Municipal solid Waste Ordinance."

SECTION 102: DEFINITIONS

The following words and phrases as used in this

Amendment to Ordinance shall have the meaning ascribed 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 101).

Bulky Waste --- Shall mean large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to size, shape or weight.

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, office buildings, restaurants, shopping centers and theaters.

Container --- A portable device in which waste is held temporarily for storage or transportation.

County --- Shall mean the County of Washington or the Washington County Board of County Commissioners.

Department or DER --- Shall mean the Pennsylvania Department of Environmental Resources (DER).

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 enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Domestic Waste or Household Waste --- Means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage --- Means any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause

such nuisances as odors, gases, or vectors.

Industrial Establishment --- Means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Establishment --- Means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Licensed Collector or Licensed Waste Hauler --- Shall mean any municipal waste collector or hauler possessing a current, valid Municipal License issued by the Township of Robinson pursuant to part 3, Chapter 20, Robinson Township Code of Ordinances.

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 waste supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

Municipality --- Shall mean the Township of Robinson, Washington County, Pennsylvania.

Person --- Means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part 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 any other legal entity having officers and directors.

Rubbish --- Means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

Salvaging --- the controlled removal or recycling of material from a solid waste processing or disposal facility.

Scavenging --- Means any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

Solid Waste -- Means any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

Storage --- Means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Transportation -- Means the off-site removal of any solid waste at any time after generation.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 103: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate on any public or private property within the Municipality, any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with all applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101.
2. Except for the burning of papers, paper materials, leaves, branches, wood, or wood products, it shall be unlawful for any person to burn any solid waste within the municipality except in accordance with all applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101 and as otherwise regulated by the Department of Environmental Resources Air Quality.
3. It shall be unlawful for any person to process and/or dispose any solid waste in the municipality except in accordance with all applicable Department rules and Regulations adopted pursuant to Act 97 and Act 101.

4. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the municipality without a current, valid license to do so issued by the Township of Robinson.

5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the municipality without prior written approval from the municipality.

6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the municipality except at an approved and permitted resource recovery facility under any applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101.

SECTION 104: STANDARDS FOR STORAGE OF SOLID WASTE

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

3. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter A. Regulations for the Storage of Municipal Waste.

SECTION 105: STANDARDS AND REGULATIONS FOR COLLECTION

1. All households, homeowners, commercial, industrial and institutional establishments within the Municipality shall utilize the services of a Licensed collector for disposal of their domestic waste or household waste.

2. All Licensed Collectors and Waste Haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Title 25, Chapter

285, Subchapter B Regulations for collection and Transportation of Municipal Waste.

3. All municipal waste collected within the Municipality shall only be conveyed or transported to a transfer station, processing facility, and/or disposal site permitted by the Department of Environmental Resources, and/or other regulatory agencies pursuant to the approved Municipal Waste Management Plan for Washington County.

SECTION 106: LICENSING REQUIREMENTS

1. No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Municipality without first obtaining a license from the Township of Robinson pursuant to the requirements of Chapter 20, Part 3, Robinson Township Code of Ordinances.

SECTION 107: INJUNCTION POWERS

The Municipality may petition the Court of Common Pleas, Washington County, for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Amendment.

SECTION 108: PENALTIES

Any person who violates any provision of this Amendment shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$100.00, nor more than \$1,000.00, or in default of payment of such fine, then by imprisonment for a period of not more than thirty 30 days, or both. Each day of violation shall be considered a separate and distinct offense.

SECTION 109: SEPARABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Amendment be declared unconstitutional or invalid for any reason, the remainder of such Amendment shall not be invalidated by such action.

SECTION 110: CONFLICT

Any Parts or provisions of any other Part of the Robinson Township Code of Ordinances which conflict with this Part

SECTION 111: EFFECTIVE DATE

This Amendment shall take effect on May 20, 1991.

231A

PART 3

Municipal Waste Hauler Licensing Requirements

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 of Washington County; and

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

SECTION 101: SHORT TITLE

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

SECTION 102: DEFINITIONS

The following words and phrases as used in this Part 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, office buildings, restaurants, shopping centers and theaters.

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 --- Means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, 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 the Township of Robinson pursuant to this Part.

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 waste supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include 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 DER for such purposes.

Municipality --- Shall mean the Township of Robinson.

Person --- Means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part 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 any 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 solid waste at any time after generation.

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

SECTION 103: 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 Robinson Township without first securing a license to do so in accordance with the provisions of this Part.
2. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within Robinson Township in a manner not in accordance with the provisions of this Part and the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations.
3. It shall be unlawful for any person to transport any municipal waste collected from within Robinson Township to any processing and/or disposal facility other than those facilities which are properly permitted by the Pennsylvania DER 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 Robinson Township without prior approval from the Municipality.

SECTION 104: STANDARDS FOR 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 the 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 105: 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 Part.

2. All collectors and waste haulers shall be licensed by the Township of Robinson and designated as a "Licensed Waste Hauler" or a "Licensed Collector".

3. The Township of Robinson shall reserve the right to 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 Robinson.

4. Any person who desires to collect, haul or transport municipal waste within Robinson 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 the 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 licensee shall submit a new license application and license fee to the Township of Robinson at least sixty (60) days prior to the expiration date of existing license, 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 Part or is in violation of the provisions of this Part.

SECTION 106 - 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 Robinson 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 107 - PENALTIES

1. Any person who violates any provision of this Part shall be guilty of a misdemeanor which is punishable, upon conviction, by a fine of not less than \$100.00, nor more than \$1,000.00, or by imprisonment for a period of not more than (30) days, or both. Each day of violation shall be considered as a separate and distinct offense.
2. The Township of Robinson 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 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 Part.

D. Transportaion and disposal of any municipal waste collected within the Municipality at any site that is not properly permitted by the Pennsylvania DER or other applicable regulatory agency.

E. Violation of any part of this Part, any other applicable Municipal ordinances or parts thereof or any applicable Pennsylvania laws or regulations.

SECTION 108 - INJUNCTIVE POWERS

The Township of Robinson 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 Part.

SECTION 109 - SEVERABILITY

In the event that any section, paragraph, sentence, clause or phrases of this Part or any part thereof shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of this Part or the Code of Ordinances shall not be affected, impaired or invalidated by such action.

SECTION 110- CONFLICT

Any chapters, parts or other portions of the Code of Ordinances which conflict with this Part are hereby repealed insofar as the same is specifically inconsitent with this Part.

SECTION 111 - EFFECTIVE DATE

This Part shall take effect on May 20, 1991.

ENACTED AND ORDAINED into the Robinson Township Code of Ordinances this 13 day of May, 1991.

TOWNSHIP OF ROBINSON

BY: Gerald Runtas
CHAIRMAN, Board of Supervisors

Attest:

Maurice W. Curtis
Secretary