

FLOW CONTROL ORDINANCE
FOR
MUNICIPAL WASTE AND SOURCE-SEPARATED RECYCLABLES
COUNTY OF BUCKS, PENNSYLVANIA
Ordinance No. 80

AN ORDINANCE OF THE COUNTY OF BUCKS, PENNSYLVANIA, ESTABLISHING THE CONTROL OF MUNICIPAL SOLID WASTE, PROVIDING FOR THE MUNICIPAL LICENSING OF ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL SOLID WASTE WITHIN THE 54 MUNICIPALITIES OF BUCKS COUNTY, AND REQUIRING THAT EACH MUNICIPALITY DESIGNATE PROCESSING AND/OR DISPOSAL SITES FOR ALL WASTE GENERATED WITHIN ITS BOUNDARIES.

WHEREAS, the County Commissioners of Bucks County have 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 has been duly ratified by the municipalities in Bucks County and approved by the Pennsylvania Department of Environmental Resources (DER) on March 28, 1991; and

WHEREAS, the primary responsibility of counties per Section 303(a) of Act 101 is to insure the availability of adequate permitted processing and disposal capacity for the municipal waste generated within its boundaries; and

WHEREAS, a county pursuant to Section 303(a) of Act 101 may require licensing of waste haulers, may adopt ordinances, resolutions, regulations, and standards for the processing and disposal of municipal waste and for the recycling of municipal waste or source-separated material, may prohibit the siting of additional resource recovery facilities within its boundaries, and may require that all municipal wastes generated within its boundaries be processed or disposed at a designated processing or disposal facility that is contained in the approved plan 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 Plan by the authority vested to it 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 Resources (DER).

NOW, THEREFORE, the County Commissioners of Bucks County, Pennsylvania do hereby enact and ordain as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and referred to as the "Bucks County Municipal Waste Flow Control Ordinance."

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 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 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 DER rules and regulations (25 Pa. Code Chapters 75 and 271).

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 -- 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 collector or hauler of municipal waste and/or source-separated recyclables possessing a current License issued by the municipality pursuant to this Ordinance.

Municipality -- shall mean any of the 54 minor civil divisions in Bucks County, Pennsylvania.

County Ordinance

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.

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

SECTION 3: MUNICIPAL ORDINANCE REQUIREMENT

Within nine (9) months following the approval of the Bucks County Municipal Waste Management Plan, every municipality in Bucks County shall enact a "Flow Control Ordinance for Municipal Waste and Source-Separated Recyclables and for the Licensing of Collectors" to be modeled after the model ordinance developed by the Bucks County Planning Commission. The intent of the individual municipal ordinance shall be to license all waste haulers operating within the municipality and, as a condition of acquiring a license, direct all

municipal waste collected in the municipality to a facility (or facilities) designated in the Bucks County Municipal Waste Management Plan.

SECTION 4: DESIGNATION OF PROCESSING AND/OR DISPOSAL FACILITIES

1. Within nine (9) months following the approval of the Bucks County Municipal Waste Management Plan, every municipality in Bucks County shall provide to the County copies of any and all executed ordinances which direct the flow of municipal waste and source-separated recyclable materials to one or more designated processing and/or disposal facility(ies) consistent with the facilities listed in the Bucks County Municipal Waste Management Plan.
2. Within nine (9) months following the approval of the Bucks County Municipal Waste Management Plan, every municipality in Bucks County shall provide to the County copies of any and all contracts or agreements for guaranteed municipal waste disposal capacity which the municipality or its licensed waste haulers possess to assure disposal capacity for a minimum of one year with a renewal option of at least one year.
3. If, within nine (9) months of DER approval of the Bucks County Municipal Waste Management Plan, a municipality fails to designate one or more processing and/or disposal facilities consistent with the facilities listed in the Bucks County Municipal Waste Management Plan for the municipal waste and source-separated recyclable materials generated within its boundaries, and/or fails to provide to the County copies of contract or agreements as specified in #2 above, then the County shall designate such facility or facilities on behalf of the municipality.

SECTION 5: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to collect and/or transport municipal waste or source-separated recyclable materials from any residential, public, commercial, industrial or institutional establishment within any municipality in Bucks County without first securing a license to do so from the municipality in accordance with the provisions of this Ordinance and the appropriate municipal ordinance.
2. It shall be unlawful for any person to store, collect and/or transport municipal waste or source-separated recyclable materials from any sources within Bucks County in a manner not in accordance with the provisions of this Ordinance, any applicable municipal ordinance, the Bucks County Municipal Waste Management Plan, Act 101, the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations, any applicable Bucks County Department of Health regulations, and/or any other federal, state, or local regulations.
3. It shall be unlawful for any person to transport any municipal waste or source-separated recyclable materials collected from within Bucks County to any processing and/or disposal facility other than those facilities designated in the Bucks County Municipal Waste Management Plan.

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 any municipality in Bucks County without prior approval from the municipality.

SECTION 6: STANDARDS FOR COLLECTION AND TRANSPORTATION

1. All collectors or waste haulers operating within Bucks County must comply with minimum standards and regulations pursuant to each individual municipal licensing ordinance.

SECTION 7: LICENSING REQUIREMENTS

1. No person shall collect, remove, haul or transport any municipal waste or source-separated recyclable materials through or upon the streets of any Bucks County municipality without first obtaining a license in accordance with the provisions of the respective municipal ordinance. This section shall not apply to private individuals (e.g., homeowners) who wish to transport their own household waste or recyclables to county-designated facilities, nor to farmers, landscapers or nurserymen who collect, remove, haul or otherwise transport agricultural or other organic waste associated with their respective business activities.
2. All collectors and waste haulers operating in Bucks County shall be licensed by municipal ordinance and designated as a "Licensed Waste Hauler" or a "Licensed Collector."
3. Each municipality shall designate one or more specific municipal waste processing and/or disposal facility(ies) from the list of designated facilities in the Bucks County Municipal Waste Management Plan to which all licensed waste haulers and collectors must, as a condition of licensing, transport and dispose all municipal waste and source-separated recyclable materials collected within its boundaries.
4. Any person who desires to collect, haul or transport municipal waste or source-separated recyclable materials within a certain municipality in Bucks County shall submit a license application and any applicable application fee to the municipality or its designated licensing representative.
5. A license fee, not to exceed one hundred dollars (\$100.00) per waste hauling company, shall be set by the municipality. Said license fee will be used to offset the municipality's costs associated with a licensing process which establishes municipal waste flow control and ensures that waste generated within the municipality is disposed of only at facilities designated in the Bucks County Municipal Waste Management Plan.
6. A license application form shall be supplied by the municipality and shall set forth minimum information required to establish the qualifications for a license to collect and transport municipal waste or source-separated recyclable materials. Such

requirements and licensing rules and regulations shall be established by each individual municipality. Municipalities should attempt to keep licensing requirements uniform by modeling such requirements after those set forth in the "Licensing Requirements" section of the model municipal ordinance, "Flow Control Ordinance for Municipal Waste and Source-Separated Recyclables and for the Licensing of Collectors".

SECTION 8: REPORTING REQUIREMENTS

1. All of Bucks County's 54 municipalities and all licensed collectors or waste haulers operating within those municipalities shall participate in the Bucks County Municipal Waste Documentation Program. Said program shall be developed and put into operation within one year of DER approval of the Bucks County Municipal Waste Management Plan. 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 shall prepare and submit a semi-annual report to the municipality. The report for the first half of the year (January through June) shall be submitted to the municipality 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. The following information shall be included in each report:
 - A. Total weight and/or volume of each type of municipal waste and/or source-separated recyclable materials collected from all sources within the municipality during each month of reporting period; and
 - B. Name of each processing and/or disposal facility used during the reporting period and total weight and/or volume of each type of municipal waste and/or source-separated recyclable materials delivered to each facility during each month of the reporting period.
 - C. Any other information determined to be necessary during the development and implementation of the Bucks County Municipal Waste Documentation Program.
2. All semi-annual reports submitted to the municipality from Licensed Collectors and Licensed Waste Haulers shall be submitted by the municipality to the County by August 31 (covering January through June) and by February 28 of the following year (covering July through December).

SECTION 9: PENALTIES

1. Any person who violates any provision of this Ordinance shall, upon conviction at a summary proceeding, be sentenced to pay a fine to the use of the County of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution, or be imprisoned for a period of

County Ordinance

not more than ten (10) days, or both. Each day of violation shall be considered as a separate offense.

2. Each municipality 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 applications;
 - 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, applicable municipal ordinance, Bucks County Department of Health regulations, and/or any applicable federal, state, or local regulations.
 - D. Transportation and disposal of any municipal waste or source-separated recyclable materials collected within the municipality to any site that is not a designated facility in the Bucks County Municipal Waste Management Plan or that is not properly permitted by the Pennsylvania DER;
 - E. Failure to dispose of municipal waste or source-separated recyclables at the facility(ies) stated in the license application; and
 - F. Violation of any part of this Ordinance, any other applicable municipal ordinances or any applicable federal or Pennsylvania laws or regulations.

SECTION 10: INJUNCTIVE POWERS

The Bucks County Commissioners 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 11: 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 12: CONFLICT

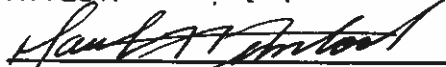
Any ordinances or any part of any ordinances which conflict with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

SECTION 13. EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED into an Ordinance this 19th day of June, 1991.

ATTEST:




Chief Clerk

BUCKS COUNTY COMMISSIONERS




Andrew L. Warren, Chairman



Mark S. Schweiker

(County Seal)



Sandra A. Miller