

**CHAPTER 20**

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**PART 1**

**SOLID WASTE MANAGEMENT**

**§20-101. Short Title; Establishment of Curbside Recycling Program.**

1. This Part shall be known and referred to as the "Municipal Waste Collection and Transportation Ordinance of East Rockhill Township."
2. In compliance with Act 101 and Act 140, East Rockhill Township does hereby establish a curbside recycling program. All residents of the Township shall separate recyclables and place them at curbside for collection by a licensed hauler or collector or shall transport them to another designated collection point for collection and separate from other solid waste. Recyclables shall not be mixed with or placed in the same container as municipal waste.

(Ord. 234, 8/21/2007)

**§20-102. Definitions.**

1. The following words and phrases, as used in this Part, shall have the meanings 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).<sup>1</sup>

ACT 97 — the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).<sup>2</sup>

ACT 101 — the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988), as amended by Act 140 of 2006.<sup>3</sup>

APPROVED DISPOSAL SITE — waste disposal facilities such as landfills or trash-to-steam facilities which are licensed by and operated in accordance with the laws and regulations of the Commonwealth of Pennsylvania or the laws and regulations of the state in which the disposal site is located.

COLLECTOR or WASTE HAULER — 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.

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<sup>1</sup> Editor's Note: See 27 Pa.C.S.A. §6201 et seq.

<sup>2</sup> Editor's Note: See 35 P. S. §6018.101 et seq.

<sup>3</sup> Editor's Note: See 53 P. S. §4000.01 et seq.

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**COMMERCIAL ESTABLISHMENT** — any establishment engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, offices, restaurants, shopping centers and theaters.

**COUNTY** — the County of Bucks, Pennsylvania.

**DISPOSAL** — 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** — any establishment engaged in manufacturing or production activities, including but not limited to factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

**INSTITUTIONAL ESTABLISHMENT** — any establishment or facility engaged in services, including but not limited to hospitals, nursing homes, schools and universities.

**LEAF WASTE** — leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

**LICENSED COLLECTOR or LICENSED WASTE HAULER** — a person who has written authorization from the PADEP under Act 90 to collect, haul, transport and dispose of municipal waste.

**MUNICIPALITY** — any of the 54 minor civil divisions in Bucks County, Pennsylvania.

**MUNICIPAL WASTE** — 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** — the Pennsylvania Department of Environmental Protection.

**PERSON** — 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 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 other legal entity having officers and directors.

**PROCESSING** — 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** — the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of 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** — 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** — materials, including leaf waste, that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

**TRANSPORTATION** — the off site removal of any municipal waste at any time after generation.

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

(Ord. 234, 8/21/2007)

### **§20-103. Designation of Processing and/or Disposal Facilities.**

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 East Rockhill Township without first securing written authorization from the PADEP in accordance with the provisions of Act 90.
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 East Rockhill Township in a manner not in accordance with the provisions of this Part, 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.

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3. 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 East Rockhill Township without prior approval from the municipality.

(Ord. 234, 8/21/2007)

### **§20-104. Standards for Collection and Transportation.**

1. All collectors or waste haulers operating within East Rockhill Township must comply with the following minimum standards and regulations:
  - A. 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.
  - B. 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.
  - 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 and/or source-separated recyclable materials shall be capable of being enclosed or covered to prevent litter and other nuisances.
  - E. 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.
  - F. All collection vehicles and equipment used by collectors or waste haulers shall be subject to inspection by East Rockhill Township or its authorized agents at any reasonable hour without prior notification.
  - G. Municipal waste shall be collected from residential customers at least once per week.
  - H. Source-separated recyclable materials shall be collected from each residential customer at least once every two weeks.

(Ord. 234, 8/21/2007; as amended by Ord. 258, 9/21/2010)

**§20-105. Dispose of Refuse.**

1. All persons residing in the Township or owning or operating institutional, commercial, municipal and industrial uses shall contract with a DEP-licensed collector or waste hauler for the disposal of municipal waste and source-separated recyclable materials.
2. It shall be unlawful to dump, destroy, burn or otherwise dispose of municipal waste or source-separated recyclable materials within the Township, except at an approved disposal site. This prohibition shall not extend to the composting of leaf waste.
3. All municipal waste shall be deposited and disposed of at an approved disposal site.
4. All disposal regulations of the approved disposal site shall be adhered to.
5. All vehicles used for collection shall use, insofar as practical, only state highways when proceeding to and from the approved disposal sites, except when using roads or streets in the Township where contracted to collect.
6. It shall be unlawful to dispose of live ashes, flammable liquids, explosive substances, toxic chemicals or any other similar hazardous substances in the Township.

(Ord. 234, 8/21/2007; as amended by Ord. 239, 6/10/2008)

**§20-106. Preparation of Refuse for Disposal.**

1. Refuse and recyclables shall be prepared as follows:
  - A. Garbage shall be placed in suitable bags prior to depositing in containers.
  - B. All refuse shall be containerized or properly bundled so that it may be handled by one man or woman.
  - C. Recyclables other than leaf waste shall be separated and containerized as required by the collector. Recyclables required for collection by residential users and organizers of community events shall include cardboard, office paper, aluminum, bimetal, steel, corrugated paper, newsprint, plastics, colored glass and clear glass. Commercial, institutional, and municipal users shall separate corrugated paper, newsprint, aluminum, and leaf waste.

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- D. Leaf waste, including leaves, shrubbery, Christmas trees, tree trimmings and similar vegetative materials, shall be separated, prepared and bundled as directed by the collector.
2. Refuse containers shall be as follows:
    - A. Refuse containers shall be made of durable, watertight, rust-resistant material, having close-fitting lids and handles to facilitate collection.
    - B. Refuse containers for residences shall be of not more than 32 gallons in capacity.
    - C. Refuse containers for commercial establishments, except dumpsters, shall not exceed 40 gallons in capacity.
  3. It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such materials on the bottoms or sides of refuse containers; the interiors of refuse containers shall be kept clean by thorough rinsing and draining as often as necessary.

(Ord. 234, 8/21/2007)

### **§20-107. Collection Practices.**

1. Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector
2. Notwithstanding §20-107, Subsection 1, householders, commercial establishments or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.
3. Collections shall be made from all properties throughout the Township, including all streets, accepted or otherwise, and including those streets that are temporarily closed for repairs or construction. In the latter case, special collection points shall be designated by the Board or its designee if the condition of the street would prevent access thereto by the collector's truck.
4. All licensed collectors or licensed waste haulers shall offer to their residential customers commingled recyclables collection service as a part of the normal collection fee for residential trash collection. Recyclables for residential dwelling units shall include collection of cardboard, aluminum, bi-metal, steel, corrugated paper, office paper, newsprint, plastics, colored glass and clear glass. Recyclables shall be collected from each residential customer at least once every two weeks. All licensed collectors or haulers shall provide curbside collection of those recyclables designated in §20-106, Subsection 1C, from commercial, institutional, and municipal establishments and community activities. All recyclables shall be delivered to a recycling facility as defined in Act 101 or shall be marketed by the hauler.

5. Each licensed collector or waste hauler operating in the Township shall provide for the collection of leaves, garden residue, and similar vegetative materials at least once per month between the months of March and October.
6. Each licensed collector or waste hauler operating in the Township shall provide for the collection of shrubbery, tree trimmings and similar vegetative materials at least once per month between the months of March and October. This collection is not to be combined with the collections of leaf waste required by Subsection 5 above but shall be a separate collection.
7. Each licensed collector or waste hauler operating in the Township shall provide for at least one collection of Christmas trees between January 7 and January 31 of each year.
8. The licensed collector or waste hauler shall collect garbage, paper, ashes, trash, rubbish, recyclables, leaf waste, shrubbery, Christmas trees, tree trimmings and similar vegetative materials throughout the Township on routes and according to schedules approved by the Board or its designee.
9. The licensed collector or waste hauler shall not collect leaf waste, yard waste, or Christmas trees along with or commingled with municipal waste.
10. Collections shall not be made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day.
11. Collections shall be made at those hours mutually agreed upon between the authorized collector and the Board or its designee. Hours agreed upon shall be so indicated within the collection contracts.
12. All routes, schedules and traffic of collection trucks upon streets and highways shall be subject to the approval of the Board or its designee. No change in the service area or schedules shall be made unless the Board or its designee and all affected customers receive at least two weeks' written notice.
13. The licensed collector or waste hauler shall, on scheduled routes, cooperate with special cleanup drives or weeks as may be promulgated by the Township, which shall not exceed two in number in any one year. In addition thereto, upon request, the authorized collector shall provide a separate and special collection on a day or days as may be required in order to collect abandoned Christmas trees.
14. It shall be unlawful for any person to deposit any refuse or other waste material at the roadside for collection more than 24 hours prior to the time prescribed by collectors or to leave any refuse containers at the roadside for more than 24 hours after collection of such refuse or other waste material.
15. Notwithstanding the collection requirements for vegetative materials set forth hereinabove, the Township maintains and shall continue to maintain a drop-off

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location in or near the municipality where residents and commercial, industrial, and municipal establishments are provided the opportunity, at least weekly, to drop off leaf waste.

(Ord. 234, 8/21/2007; as amended by Ord. 239, 6/10/2008; and by Ord. 258, 9/21/2010)

### **§20-108. Registration Requirements.**

1. No person shall collect or remove any municipal waste from within East Rockhill 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 East Rockhill 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.
2. For a collector or waste hauler to collect and transport municipal waste within East Rockhill Township, a collector or waste hauler shall submit a registration form to East Rockhill Township which shall include a copy of its state-issued written authorization and a copy of its municipal and residual waste transporter authorization application (DEP Form 2500-PM-BWM0015), along with any information that may be deemed appropriate by the municipality.
3. Any person who fails to satisfy the minimum standards and requirements of this Part or is in violation of the provisions of this Part may not lawfully collect municipal waste or source-separated material in East Rockhill Township.
4. 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).

(Ord. 234, 8/21/2007)

### **§20-109. Reporting Requirements.**

1. All licensed collectors and licensed waste haulers and collectors and haulers of source-separated recyclable materials operating within East Rockhill 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 East Rockhill 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 East Rockhill Township by January 31 of each year and shall include all of the required information pertaining to the preceding calendar year.

2. 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.

(Ord. 234, 8/21/2007)

### **§20-110. Penalties.**

Any person who shall violate any provision of this Part, upon conviction thereof, shall 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 Part continues or each section of this Part 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 Part, or the failure to do any act or thing as to which any provision of this Part creates any affirmative duty, shall constitute a violation of this Part punishable as herein stated. Licensed collectors and licensed waste haulers who shall violate any provision of this Part may be reported to the PADEP by East Rockhill Township and may be subject to the revocation of the state authorization to transport municipal waste, as described in Act 90.

(Ord. 234, 8/21/2007)

### **§20-111. Injunctive Powers.**

East Rockhill Township 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 Part.

(Ord. 234, 8/21/2007)

### **§20-112. Severability.**

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

(Ord. 234, 8/21/2007)

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### **§20-113. Conflict With Other Provisions.**

Any ordinances or any part of any ordinance in the East Rockhill Township Code of Ordinances that conflicts with this Part is hereby repealed insofar as the same is specifically inconsistent with this Part.

(Ord. 234, 8/21/2007)

### **§20-114. When Effective.**

This Part shall take effect five days after enactment.

(Ord. 234, 8/21/2007)

**PART 2**

**RESIDENTIAL RECYCLING DROP-OFF CENTER**

**§20-201. Definitions.**

As used in this Part 2, the following terms shall have the meanings indicated:

**NONRESIDENTIAL RECYCLABLE MATERIAL** — any and all material not specifically listed as a residential recyclable material for purposes of this Part 2.

**RESIDENTIAL RECYCLABLE MATERIAL** —

- A. The following recyclable material coming directly from an East Rockhill Township resident's residential use within the Township of East Rockhill:
- (1) Aluminum cans: new and used aluminum beverage cans and aluminum foil.
  - (2) Bi-metal cans: new and used bi-metal beverage cans, including steel and tin cans.
  - (3) Glass: clear, brown, green and blue glass bottles and jars and new and used cullet containers or bottles.
  - (4) Plastic: new and used narrow-necked bottles and containers with No. 1 - No. 7 symbols stamped on bottom.
  - (5) Plastic grocery bags with No. 2 and No. 4 symbols.
  - (6) Regular newsprint, including but not limited to newspapers, supplements, mail fliers, advertising and magazine sections.
  - (7) Magazines and catalogs, including any variety of subscription publications typically published on a monthly, weekly, or biweekly basis printed on glossy clay-coated paper, including junk mail.
  - (8) Mixed paper, including bulk business mail, computer paper, typing paper, writing paper, envelopes, telephone books, wrapping paper and office paper.
  - (9) Corrugated cardboard, including shipping and packaging boxes having a layered construction.
  - (10) Paperboard (e.g., shoe and cereal boxes).
  - (11) Brown paper bags.

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- (12) Yard waste: leaves, branches and shrubbery, but not grass clippings, stumps, roots, firewood or logs greater than 4.5 inches in caliper.

- B. The materials listed above shall be considered residential recyclable materials only if said materials come from and were used directly by an East Rockhill Township resident and used at a residential property within East Rockhill Township. Residential recyclable material shall not include any material used in and/or at and/or resulting from a commercial or other non-residential use, either within or outside of East Rockhill Township. Construction materials and/or other related materials are not residential recyclable materials.

RESIDENTIAL RECYCLING DROP-OFF CENTER —the East Rockhill Township residential recycling drop-off center located at 1622 N. Ridge Road, Perkasie, PA 18944, wherein certain residential recyclable material is accepted in accordance with this Part 2.

(Ord. 254, 7/20/2010)

### **§20-202. Use of the Residential Recycling Drop-Off Center.**

1. Only residents of East Rockhill Township may use the East Rockhill Township Residential Recycling Drop-Off Center, and only those materials deemed to be residential recyclable materials, as defined herein, shall be accepted at the residential recycling drop-off center.
2. The residential recyclable material shall be placed and/or deposited only in the areas assigned to and designated for the respective recyclable materials.
3. The resident dropping off the residential recyclable material shall ensure that the residential recyclable material is separated and segregated into the categories identified and designated at the residential recycling drop-off center and as required by the Township prior to depositing and/or dropping off the material at the residential recycling drop-off center.
4. In order to promote the safe and orderly use of the residential recycling drop-off center, no other activities shall be permitted at the residential recycling drop-off center unless otherwise approved by the Township of East Rockhill.

(Ord. 254, 7/20/2010)

**§20-203. Acceptable Materials.**

1. Only residential recyclable material, as defined herein, may be deposited, disposed of, dropped off and/or otherwise left at the residential recycling drop-off center.
2. Nonresidential recyclable material shall not be deposited, placed, disposed of, dropped off and/or otherwise left at the center.

(Ord. 254, 7/20/2010)

**§20-204. Operation Schedule.**

The residential recycling drop-off center shall be open for the receipt of acceptable residential recyclable material on days and at times established by resolution duly adopted by the Board of Supervisors.

(Ord. 254, 7/20/2010)

**§20-205. Enforcement and Penalties.**

Any person or persons who shall violate any provision of this Part 2, upon conviction thereof, shall 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 Part 2 continues or each section of this Part 2 which shall be found to have been violated shall constitute a separate violation and/or offense. For purposes of this section, the doing of any act or thing prohibited by any provision of this Part 2, or the failure to do any act or thing as to which any provision of this Part 2 creates any affirmative duty, shall constitute a violation of this Part 2 punishable as herein stated. Individuals who violate this Part 2 may be prohibited from further using the East Rockhill Township residential recycling drop-off center if deemed appropriate by the Township.

(Ord. 254, 7/20/2010)