

## TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 44

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY, PENNSYLVANIA, REGULATING MUNICIPAL WASTE COLLECTION, TRANSPORTATION, STORAGE AND/OR DISPOSAL OF MUNICIPAL WASTE GENERATED, COLLECTED OR TRANSPORTED FROM WITHIN THE TOWNSHIP OR ELSEWHERE THROUGH THE TOWNSHIP, AND PROVIDING FOR PENALTIES AND REMEDIES FOR AND AS TO VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Beaver, Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code, and in accordance with the Beaver County Solid Waste Management Plan, and the Municipal Waste Planning, Recycling, and Waste Reduction Act, being Act 101 of 1988, as amended, and/or the Solid Waste Management Act, being Act 97 of 1980, as amended, the following:

Section 1. Definitions: Unless the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meaning:

- a). "Act 101" - The Municipal Waste Planning, Recycling and Waste Reduction Act, being Act 101 of 1988, P.L. 528, of the Commonwealth of Pennsylvania, adopted July 28, 1988, as now in effect or hereafter amended.
- b). "County" - The County of Beaver.
- c). "Township" - The Township of South Beaver.
- d). "Disposal" - The depositing, injection, dumping, spilling, leaking or placing of any solid, semisolid, liquid or contained gaseous material 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, surface or subsurface waters, of the Commonwealth of Pennsylvania, the County and/or Township.

- e). "Landfill" - A facility using land for disposing of Municipal Waste. The facility includes land affected during the lifetime of operations including but not limited to areas where disposal or processing activities actually occur, support facilities, narrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include any facility that is used exclusively for disposal of construction/demolition waste or a facility for the land application of sewage sludge, but may include a facility that accepts same for disposal along with or in addition to municipal waste.
- f). "Municipal Waste" - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial, industrial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a Municipal, commercial, industrial, or institutional water supply treatment plant, waste-water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials in fact processed for recycling.
- g). "Municipal Waste Landfill" - Any facility that is designated, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Pennsylvania Department of Environmental Resources under and pursuant to the Solid Waste Management Act. The term does not include any facility that is used exclusively for disposal of construction/demolition

waste or a facility for the land application of sewage sludge, but may include a facility that accepts same for disposal along with or in addition to municipal waste.

- h). "Permit" - The permit issued by the Pennsylvania Department of Environmental Resources, or other State or Commonwealth department or agency in which the landfill is located, under which permit such landfill is required to operated in a safe and prudent manner to protect the environment.
- i). "Person" - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, the Federal Government or agency thereof, the Commonwealth of Pennsylvania or agency or department thereof, or any other legal entity whatsoever with exception of the Township or its employees, which is recognized by the law as the subject of rights and duties.
- j). "Recycling" - The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and any other materials which would otherwise be disposed or processed as municipal waste, or the mechanized separation and treatment of municipal waste other then through combustion, and creation and recovery of reusable materials other than a fuel for the operation of energy.
- k). "Solid Waste Management Act" - Being Act 97 of 1980, P.L. 380 of the Commonwealth of Pennsylvania, of said title or name, enacted July 7, 1980, as amended, as now in effect or hereafter amended.

Section 2. Licensing of Collectors, Haulers and/or Transporters of Municipal

Waste: Within 120 days after the effective date of County Ordinance No. 082092-SWM, each person that collects, hauls and/or transports municipal waste of any other person, on a commercial basis for the purpose of profit or

otherwise, within, from or through the Township, is and shall be required to obtain a County License pursuant to said County Ordinance, and shall properly mark each and every vehicle engaged therein with decal or other display identification provided by the County to evidence that a current County license is in effect and obtained by such person.

Section 3. Disposal of Municipal Waste at Designated Landfills and/or Municipal Waste Landfills: All municipal waste collectors, haulers and/or transporters collecting municipal waste of any other person, shall deliver and dispose of all municipal waste generated within the Township, or transported through the Township from any other location or place within the County, to any one of the landfill or municipal landfill sites for which landfill site the County or the Township has entered into a Reservation of Landfill Space or Capacity Agreement in accordance to the Beaver County Solid Waste Management Plan. Lists of the landfill sites under reservation agreements with the County may be obtained from the Beaver County Department of Waste Management. Lists of the landfill sites under reservation agreements with the Township may be obtained from the Township Secretary.

Section 4. Regulations: All collectors, haulers and/or transporters of municipal waste shall comply with all regulations promulgated and adopted by the Commonwealth of Pennsylvania and the Pennsylvania Department of Environmental Resources, the County, and/or as may hereafter be adopted by Resolution of the Township under the authority of this Ordinance and the legislative enactments under and pursuant to which this Ordinance is enacted.

Section 5. New Municipal Waste Processing or Disposal Facilities Prohibited; Continuation of Existing Permitted Facilities: From and after the effective date of this Ordinance:

a). New Facilities. No person shall use or permit to be used any property or land within the Township as owned or occupied by the person as a municipal waste processing or disposal facility, as a landfill or otherwise, for the processing, storage or disposal of municipal waste generated within Beaver County or elsewhere, without the express written approval of the

Township, the County and the Pennsylvania Department of Environmental Resources, which property or land is not already an existing facility permitted or with application for permit pending as provided in subparagraph b) hereof.

b). Existing Facilities. No person shall continue to use or permit continuance of use of any property or land within the Township as owned or occupied by the person as a municipal waste processing or disposal facility, as a landfill or otherwise, for the processing, storage or disposal of municipal waste generated within Beaver County or elsewhere, unless:

i). The owner or operator of the facility has a valid, current, approved and good standing permit issued therefor by the Pennsylvania Department of Environmental Resources, or does obtain such a permit relative to and upon an application filed with the said Department of Environmental Resources on or before April 9, 1990;

ii). The facility does not accept municipal waste from any sources within the County other than those authorized by the facility's permit; and

iii). The facility does not accept municipal waste from any sources from outside the County of Beaver except after application to and written approval by and of the Township.

c). Recycling Facilities. The provisions and prohibitions of this Section 5 shall not interfere with the operation of any program set or adopted now or hereafter by the Township for controlling or establishment of facilities for the recycling of materials.

Section 6. Unlawful Activity; Nuisance: From and after the effective date of this Ordinance:

a). Unlawful Conduct. It shall be unlawful for any person to:

i). Violate, cause or assist in the violation of any provision of this Ordinance, or any rule, regulation or order promulgated by the Township pursuant to this Ordinance; or violate, cause or assist in the violation of any

provisions of the County Ordinance No. 082092-SWM or the County Ordinance No. 031991-3, or any rule, regulation or order promulgated by the County pursuant to said County Ordinances.

ii). Process or cause to be processed, treated, or disposed of any municipal waste generated within this Township, or elsewhere by transporting same through the Township, except at a place or facility other than a landfill under contract or agreement with the County and/or the Township for the reservation of capacity therein pursuant to the Beaver County Solid Waste Management Plan.

iii). Collect or transport municipal waste generated within this Township, or elsewhere, as a private commercial hauler, collector and/or transporter of municipal waste without a valid County license per the County Ordinance, and with each vehicle so used therefor being properly marked with decal or other display identification provided by the County to evidence that a current County license is in effect.

iv). Hinder, obstruct, prevent or interfere with personnel of the Township, the Beaver County Department of Waste Management, or the Pennsylvania Department of Environmental Resources in administering the control, flow and disposal of municipal waste pursuant to this Ordinance, Ordinances of the County, Act 101 or any regulations promulgated thereunder.

v). Act in any manner that is contrary to Act 101, this Ordinance or Ordinances of the County enacted to implement the Beaver County Municipal Solid Waste Management Plan.

b). Public Nuisance. Commission of any unlawful conduct as set forth in subsection a) of this Section 6, or any regulation adopted by the Township pursuant to this Ordinance, does and shall constitute a public nuisance.

Section 7. Penalties: Any person that violates the provisions of this Ordinance, or any regulation of the Township issued pursuant to this Ordinance, shall upon conviction thereof in a summary proceeding, be sentenced to pay of fine of not less than \$100.00 and not more than \$1,000.00, and costs, and in default of payment thereof or any part of said fine and costs, to undergo imprisonment for a period of not more than thirty (30) days. Each violation

for each separate day, and each violation of any provision of this Ordinance, any regulation promulgated hereunder, shall constitute a separate offense and be subject to separate fine and imprisonment for each offense. The penalties hereunder shall be in addition to and shall not preclude or estop the Commonwealth of Pennsylvania or the County from prosecuting violators of any applicable Commonwealth of Pennsylvania legislation, rules or regulations promulgated thereunder, and shall not preclude or estop the County for prosecuting violators under applicable County Ordinances, rules or regulations promulgated thereunder.

Section 8. Concurrent Remedies: The provisions, remedies or penalties provided by this Ordinance shall be in addition to any provisions, remedies or penalties provided by laws and regulations of the Commonwealth of Pennsylvania and/or Ordinances and regulations of the County. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent to any and all other laws, ordinances or regulations of the Township, the County and/or the Commonwealth of Pennsylvania, the existence or exercise of which shall not prevent the Township from exercising any remedy provided herein or otherwise as provided by other Ordinance of the Township or applicable laws of the Commonwealth of Pennsylvania.

Section 9. Injunctions: In addition to other remedies provided by this Ordinance, the Township may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance, or rules, regulations, or orders issued pursuant to this Ordinance or Ordinances of the County. In addition to an injunction order, the Court may impose penalties as authorized in Section 7 hereof and/or Act 101.

Section 10. General Provisions: In the enforcement and interpretation of this Ordinance:

a) Construction. The terms and provisions of this Ordinance are to be liberally construed so as to best achieve and effectuate the goals and purposes hereof, and implementation of the Beaver County Solid Waste Management Plan.

This Ordinance shall be constituted in pari material with both the County Ordinance No. 082092-SWM and County Ordinance No. 031991-3, and Act No. 101 of 1988, as amended, and Act No. 97 of 1989, as amended.

b). Severability. If any section, paragraph, sentence or phrase of this Ordinance, or any Resolution or part thereof as adopted by the Board of Supervisors of South Beaver Township pursuant to the provisions hereof, should be declared invalid for any reason, such decision by a court of competent jurisdiction or any regulatory agency of the Commonwealth of Pennsylvania of the Federal government of the United States of America, shall not affect the remaining portions or provisions of this Ordinance, which portions and provisions shall remain in full force and effect; for this purpose the provisions of this Ordinance, and any Resolutions adopted pursuant to the provisions hereof, are declared to be severable.

c). Repealer. All provisions of any other Ordinance of the Township that are inconsistent herewith are hereby repealed.

ENACTED AND ADOPTED this 9<sup>th</sup> day of March, 1993.

ATTEST:

Carol Miller  
Secretary

SOUTH BEAVER TOWNSHIP

Charles W. Baffick  
Supervisor

David J. Shanor  
Supervisor

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Supervisor