

**SUMMIT TOWNSHIP**

**ERIE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING ORDINANCE NO. 2010-03, ENTITLED “MUNICIPAL SOLID WASTE ORDINANCE”, TO REQUIRE DIRECTLY CONTRACTED RESIDENTIAL CURBSIDE RECYCLING AND TO REQUIRE LICENSED MUNICIPAL SOLID WASTE HAULERS PROVIDING RESIDENTIAL CURBSIDE SERVICE TO COLLECT RECYCLABLES; PROVIDING FOR SEVERABILITY, A REPEALER, AND AN EFFECTIVE DATE**

**WHEREAS**, Act 101 of 1988, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, (“Act 101”) sets forth recyclable collection program requirements based on the population of a municipality, as recorded by the decennial census; and

**WHEREAS**, according to the 2020 decennial census, Summit Township (“the Township”) now has a population of more than 5,000 but less than 10,000, and thus is required by Act 101 to implement a source separation and curbside collection program for recyclable materials; and

**WHEREAS**, on September 20, 2010, the Township passed Ordinance No. 2010-03, the Municipal Solid Waste Ordinance (“the Ordinance”), which does not adequately provide for the Township’s current requirements under Act 101; and

**WHEREAS**, to fulfil the requirements of Act 101, the Ordinance must be amended, as more fully described below.

**NOW THEREFORE**, the Township hereby ordains and enacts the following:

**Section 1.** Subsection B of Section 00-103, of Part 1, entitled, “Title, Purpose, and Definitions,” of the Ordinance is hereby amended as shown through the deletion of the struck-out language and the insertion of the underlined language as follows:

§ 00-103 **Purpose**

B. For the purpose of source separated recyclables collection, all developed residential properties, except as exempted herein, ~~shall be served by a licensed hauler through an exclusive contract with the Township to the extent provided by this Ordinance~~ and all commercial, industrial and institutional establishments, shall be served by a licensed hauler with which they contract directly.

**Section 2.** Subsections B(3) and C(2) of Section 00-002 of Part 2, entitled “Storage, Collection, Processing and Disposal,” is hereby amended as shown through the deletion of the struck-out language and the insertion of the underlined language as follows:

§ 00-002 **Residential Properties**

**B. Curbside Collection Time and Responsibility for Spillage**

3. The collection course and the schedule of collection days for source-separated recyclables shall be determined by the ~~Township's contracted hauler and approved by the Township supervisors.~~ Residents shall prevent the spillage of any Recyclable material placed at the curb for collection and shall be responsible for the clean-up of any spilled Recyclables prior to the collection by the hauler ~~Township's Contractor.~~

**C. Preparation for Curbside Collection**

2. **Recyclables.** Recyclables shall be placed in a Container distributed by the Township, ~~or clear bags or a containers purchased by the resident that have been clearly marked with the word "recyclables"~~ and placed at the curb within eight (8) feet of the curb or edge of roadway, on a level spot on the Dwelling Unit's property and in such a manner to not interfere with or block the street right-of-way or public space.

**Section 3.** Subsection A(3) of Section 00-004 of Part 2, entitled "Storage, Collection, Processing and Disposal," is hereby amended as shown through the deletion of the struck-out language and the insertion of the underlined language as follows:

§ 00-004 **Recyclables**

**A. Separation of Recyclables.**

3. **Residential:** Residential properties shall be deemed to have complied with their separation responsibilities by excluding Recyclables, to include, at a minimum, newsprint; plastic bottles, including jugs, and jars; and aluminum, steel, and bi-metal cans, from their Municipal Waste and placing them at the appropriate location for collection by the ~~Township's licensed~~ hauler.

**Section 4.** Subsection C(2) of Section 00-006 of Part 2, entitled "Storage, Collection, Processing and Disposal," is hereby amended as shown through the deletion of the struck-out language and insertion of the underlined language as indicated below. Furthermore, a new Subsection E is hereby added through the underlined language as follows:

§ 00-006 **Authorization of Collectors**

**C. Reporting**

2. Every licensed hauler must provide weight receipts for municipal waste and recyclables to the Township on a quarterly basis beginning January 1, 2011. Every licensed hauler must accept, at a minimum, newsprint; plastic, including bottles, jugs, and jars; and, aluminum, steel, and bi-metal cans. ~~three (3) recyclable commodities to be determined by resolution of the Board of Supervisors.~~

**E. Base Fees.** The base fees charged by any licensed hauler of residential Municipal Waste shall provide for the collection of an

unlimited amount of Recyclables, exclusive of glass, but including, at a minimum, newsprint; plastic, including bottles, jugs, and jars; and, aluminum, steel, and bi-metal cans.

**Section 5.** Subsection B of Section 00-007 of Part 2, entitled “Storage, Collection, Processing and Disposal,” is hereby amended as shown through the deletion of the struck-out language as indicated below, and re-lettering of the remaining sequence of lettered paragraph subsections:

§ 00-007 **Collection by Unauthorized Persons**

~~**B. Drop Off or Storage Bins.** Any Recyclable deposited at drop off sites, or in storage bins associated with residential dwellings, is the property of the Township until collected by the Township or by the Township’s Contractor.~~

**Section 6.** Subsection F(2) of Section 00-214 of Part 2, entitled “Storage, Collection, Processing and Disposal,” is hereby amended as shown through the deletion of the struck-out language and the insertion of the underlined language as follows:

§ 00-214 **Exclusions**

**F. Placement Exemptions.**

2. The Township may grant exceptions to the placement of Municipal Waste, and/or Recyclables at the curbside when ~~the Township has determined~~ it is not physically possible to place those items at the curbside, at such time the Township will identify the alternative placement location. At such time, the hauler and Dwelling Unit will identify and agree on a reasonable alternate location, subject to the remaining applicable portions of this Ordinance.

**Section 7.** Subsection A of Section 00-301 of Part 3, entitled “Service Fees and Billing,” is hereby amended as shown through the deletion of the struck-out language and the insertion of the underlined language as follows:

§ 00-301 **Residential**

**A. Mandatory Participation.** Unless otherwise exempted under this Ordinance, every owner and/or occupant of developed residential property must contract with a licensed hauler and shall pay for garbage and recycling collection service ~~and shall utilize the recycling collection service contracted by the Township.~~

**Section 8.** The following Parts and Sections headings are hereby amended as shown through the deletion of the struck-out language and the insertion of the underlined language as follows:

**PART 1**  
**ARTICLE I**  
**TITLE, PURPOSE, AND DEFINITIONS**

~~§00-101~~Section 1. Short Title

~~§00-102~~Section 2. Establishment of Program

~~§00-103~~Section 3. Purpose

~~§00-104~~Section 4. Establishment of Education Program

~~§00-105~~Section 5. Definitions

**PART 2**  
**ARTICLE II**  
**STORAGE, COLLECTION, PROCESSING AND DISPOSAL**

~~§011-001~~Section 1. General

~~§00-002~~Section 2. Residential Properties

~~§00-003~~Section 3. Commercial, Industrial, Institutional  
Properties and Community Activities

~~§00-004~~Section 4. Recyclables

~~§00-005~~Section 5. Yard Waste

~~§00-006~~Section 6. Authorization of Collectors

~~§00-007~~Section 7. Collection by Unauthorized Persons

~~§00-008~~Section 8. Transportation of Municipal Solid Waste,  
Recyclables or Yard Waste

~~§00-009~~Section 9. Disposal of Municipal Waste

~~§00-210~~Section 10. Unlawful Disposition of Municipal Waste

~~§00-211~~Section 11. Bulk Waste and White Goods

~~§00-212~~Section 12. Construction and Demolition Waste

~~§00-213~~Section 13. Dumping/Litter

~~§00-214~~Section 14. Exclusions

**PART 3**  
**ARTICLE III**  
**SERVICE FEES AND BILLING**

~~§00-301~~ **Section 1. Residential**

~~§00-302~~ **Section 2. Commercial, Industrial, Institutional Properties and Community Activities**

**PART 4**  
**ARTICLE IV**  
**ENFORCEMENT AND ADMINISTRATION**

~~§00-401. Enforcement and Administration~~

**PART 5**  
**ARTICLE V**  
**PENALTIES**

~~§00-501~~ **Section 1. Penalties**

~~§00-502~~ **Section 2. Other Remedies**

**PART 6**  
**ARTICLE VI**  
**SEVERABILITY AND AMENDMENTS**

~~§00-601~~ **Section 1. Severability**

~~§00-602~~ **Section 2. Amendments**

~~§00-603~~ **Section 3. Applicability**

~~§00-604~~ **Section 4. Effective Date**

~~§00-605~~ **Section 5. Repealer**

**Section 9. Severability.** The provisions of this ordinance are severable. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 10. Repealer.** Any ordinances, rules, or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby, repealed.

**Section 11. Effective Date.** This Ordinance shall be effective on April 1, 2024.

**DULY ORDAINED AND ENACTED** this 4<sup>th</sup> day of March 2024, by the Board of Supervisors of Summit Township, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

SUMMIT TOWNSHIP

\_\_\_\_\_  
Lisa A. Vallimont, Secretary

By: \_\_\_\_\_  
Anthony W. Davis, Supervisor

By: \_\_\_\_\_  
Jack F. Lee, Jr., Supervisor

By: \_\_\_\_\_  
Mark A. Welka, Supervisor

# 2486788.v1