

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010-03

MUNICIPAL SOLID WASTE ORDINANCE

AN ORDINANCE OF SUMMIT TOWNSHIP TO REGULATE THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF MUNICIPAL SOLID WASTE, AND TO ESTABLISH A PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS FROM RESIDENCES, COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL ESTABLISHMENTS IN SUMMIT TOWNSHIP; TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; TO EMPOWER THE MUNICIPALITY TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREFORE; AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, SEVERABILITY AND THE REPEAL OF PRIOR INCONSISTENT ORDINANCES.

BE IT ORDAINED AND ENACTED by the Summit Township Board of Supervisors, Erie County, Commonwealth of Pennsylvania, as follows:

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

§00-101. Short Title

This ordinance shall be known as the "Summit Township Municipal Solid Waste Ordinance".

§00-102. Establishment of Program

The Township hereby establishes a program for municipal solid waste management and the mandatory separation of recyclables from municipal waste, which will be collected for processing from residential dwellings, and commercial, industrial, and institutional establishments.

§00-103. Purpose

It is the intent and purpose of this Ordinance to promote the public health, safety and welfare, and to eliminate public health hazards, environmental pollution, and economic loss associated with municipal solid waste accumulated or stored upon any property within the Township.

Summit Township, recognizing that the reclamation of recyclable materials has become an important method for addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, transportation and processing of municipal solid waste, and recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 ("Pennsylvania Act 101") as amended by Act 140 of 2006; the Erie County Solid Waste Management Plan, and this Ordinance. This Ordinance is intended to be an integral part of an overall system designed to facilitate recycling and waste minimization and foster the cooperation of the residents and businesses by providing that all residential, commercial, industrial, and institutional waste shall be collected,

transported, and disposed of within the following conditions:

- A. For the purpose of municipal waste, all developed residential properties, except as exempted herein, shall be served by a licensed hauler with which they contract directly and all commercial, industrial and institutional establishments shall be served by a licensed hauler with which they contract directly to the extent provided by this Ordinance.
- 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.
- C. Haulers collecting municipal solid waste shall be licensed with the Commonwealth of Pennsylvania and registered with Summit Township. Haulers collecting source-separated recyclables must be registered with Summit Township.
- D. All municipal solid waste shall be disposed of at a facility designated in the Erie County Municipal Solid Waste Management Plan and in accordance with state, federal, and county laws and ordinances.
- E. Source separated recyclables be managed in accordance with Pennsylvania Act 101, and the Erie County Municipal Solid Waste Management Plan and shall not be collected and removed for disposal at a landfill.

These conditions are established to ensure Township compliance with Pennsylvania Act 101 Pennsylvania Act 140 and the Erie County Municipal Solid Waste Management Plan.

§00-104. Establishment of Education Program

The Township hereby establishes an education program for municipal solid waste management, recycling and composting in accordance with the provisions of Pennsylvania Act 101, Pennsylvania Act 140 and this Ordinance. Educational materials and presentations shall be designed to increase the participation of both residents and business; to meet the recycling rates and goals established by the Commonwealth; and to encourage waste minimization and pollution prevention within the Township.

§00-105. Definitions

"Bag" - Plastic sacks designed for Municipal Waste with sufficient wall strength to maintain physical integrity when lifted by the top, with a capacity not to exceed Thirty two (32) gallons and a loaded weight not to exceed Twenty Five (25) pounds.

"Board of Supervisors" The Governing Body of the Township of Summit.

"Cart" A wheeled container, owned and provided by a licensed hauler, which is capable of being mechanically unloaded into a licensed hauler's collection vehicles.

"Clear Glass" Shall mean empty bottles, jugs and jars made of clear glass. Expressly excluded are broken glass, noncontainer glass, plate glass, automotive glass, safety glass, light bulbs and porcelain and ceramic products.

"Colored Glass" Shall mean empty bottles, jugs and jars made of green or brown glass. Expressly excluded are broken glass, plate glass, automotive glass, safety glass, light bulbs, porcelain and ceramic products, and glass bottles of any other color than green or brown.

"Commercial" Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters., hotels, motels, mixed use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. The term does not include properties where the primary permitted use is residential and an accessory use is commercial (i.e., home occupations). Multi-family dwellings and townhomes of greater than 4 units, and mobile home parks shall be considered commercial establishments except for the purpose of reporting to the Township weights and volumes of waste and recyclable materials collected, disposed and/or processed.

"Community Activities" Events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, that will be attended by 200 or more individuals per day, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events.

"Composting" The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

"Construction Debris" Waste building materials resulting from construction, remodeling, repair or demolition operations.

"Construction and Demolition Waste" Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster and brick, conduit, pipe, insulation, and other material which results from a construction, demolition, or remodeling process

"Container" A metal or plastic receptacle used for Garbage, and/or Recyclables collection and be rodent and insect proof.

"Contractor" The individual, firm, partnership, joint venture, corporation, or association performing recycling collection and processing under Contract with the Township.

"Curbside" From any Structure, a point at the side of a Township or State maintained roadway abutting the property, or from a Structure abutting a private roadway, a point at the side of the private roadway, provided the property owner has issued a waiver for collection vehicles to travel along the roadway for collection.

"Curbside Recycling" Recycling services generally provided to Single Family Structures and Multi Family Dwellings with four or less units. Recyclables are placed by customers at curbside locations for collection.

"Customer" The owner of any residential, commercial, industrial, or institutional property located within the Township.

"Detachable Container"(also at times referred to as "dumpster") A watertight, all-metal Container, not less than three quarter (3/4) cubic yards in capacity and equipped with a tight-fitting metal or plastic cover. The term shall also apply to Containers of other material of similar size when approved by the Township.

"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 Site" A refuse depository for the processing or final disposal of Refuse including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

"Designated Agent" An agent such as the Council of Governments, or a Municipal Authority, acting on behalf of a municipality or county whose powers and responsibilities are established in an intergovernmental agreement or similar document.

"Dwelling Unit" One or more rooms on premises which have cooking facilities and are arranged for occupancy by one (1) person, two (2) or more persons living together, or one family. Each dwelling unit within a non-commercial building shall be considered an individual customer.

"Exclusive Contract" An agreement entered into by Summit Township, or its designated agent, with a private person or corporation for the collection and processing of all residential source-separated recyclables within Summit Township.

"Farm" A single parcel of land of at least 10 acres, which is used for normal agricultural purposes, including barns, greenhouses, and not more than three single family dwelling units.

"Food Waste" Vegetable and other food scraps, including meat, dairy products, grease and bones; paper which has been contaminated with food, fat or grease; and compostable paper including paper towels, paper plates, tissue and waxed paper.

"Garbage" All discarded putrescible waste matter but not including sewage or sewage sludge, human excrement or Yard Waste.

"Generator" A person or municipality that produces or creates municipal waste.

"Hazardous Waste" Waste designated as hazardous by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

"Industrial" Any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, and refineries.

"Institutional" Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

"Licensed Hauler" A person who has obtained a license from the Commonwealth of Pennsylvania and registered with Summit Township. Said licenses will be issued under the Waste Transportation Safety Act (Pennsylvania Act 90) authorizing said person to collect, transport, and or dispose of municipal solid waste, and bulk waste from residential, commercial, industrial, and institutional establishments. Persons that are not required to obtain licenses issued under the Waste Transportation Safety Act (Pennsylvania Act 90) and persons that collect, transport, and or process only source-separated recyclables from residential, commercial, industrial, and institutional establishments must register with Summit Township to be considered a Licensed Hauler.

"Market" The transfer of ownership of recyclable materials for the purpose of recycling the materials into a new product or use.

"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 in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

"Municipal Waste 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, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

"Municipal Waste Management Plan" A comprehensive plan for an adequate municipal waste management system in accordance with Chapter 272, Subchapter C (relating to municipal waste planning).

"Multi Family Dwellings" Structures for residential living consisting of attached units.

"Person" An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

"Processing" Any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

"Recyclables" For residential properties, this shall include mixed waste paper, including office paper, junk mail and envelopes, corrugated and cardboard materials, newspapers, magazines, bi-metal and aluminum cans and lids, clean aluminum foil and foil products, Clear Glass and Colored Glass and plastics #1 through 6. For Commercial, Industrial, Institutional Recyclables shall include corrugated cardboard, high-grade office paper and aluminum and bi metal cans, plastic and glass bottles, jugs and jars. For Community Activities Recyclables shall include aluminum cans and corrugated cardboard.

"Recycle" or "Recycling" The collection, separation, recovery and sale or reuse of metals, glass, paper, 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.

"Recycling Facility" A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

"Refuse" Discarded waste materials in a solid or semi- liquid state, consisting of garbage, rubbish or a combination thereof

"Residential Unit" A group of rooms located within a building and forming a single inhabitable unit with facilities that are used or are intended to be used for living, sleeping, cooking and eating. Buildings are included that contain four or less separate or contiguous single-family dwelling units with each unit to be treated separately for purposes of billing, or multi-family dwelling units of Five (5) or more dwelling units that are separately owned.

"Residence, Residential" Any house, dwelling, multiunit residence, apartment house, or any building put to residential use except Mixed Use Buildings.

"Residual Waste" Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, and agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, waste water treatment facility, or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law. (Pennsylvania Act 101, Section 103).

"Source-separated Recyclable Materials" Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

"Structure" All single family homes, and multi family dwellings of four units or less as well as multi family dwellings of more than four units that are separately owned.

"Township" The governmental jurisdiction and legal entity of Summit Township, Erie County, Pennsylvania.

"Unacceptable Waste" The following categories of materials are considered unacceptable for collection and disposal as municipal solid waste:

- A. Hazardous waste
- B. Residual waste
- C. Unsterilized or unprocessed infectious or pathological waste
- D. Chemotherapeutic waste
- E. Gas cylinders
- F. Explosives and ordinance materials
- G. Liquid waste (i.e. containing less than 00% solids by weight or flowable)
- H. Drums, barrels, and buckets unless lids have been removed and interiors cleaned and free of any residue
- I. Radioactive materials
- J. Any solid waste generated outside of the Township
- K. Automotive parts, including tires

"Yard Waste" Plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens; Yard Waste does not include loose soils, sod; Food Waste, including from gardens or orchards; food compost; plastics and synthetic fibers; lumber; any wood or tree limbs over four (4) inches in diameter; human or animal excrement; noxious weeds and soil contaminated with hazardous substances.

PART 2 STORAGE, COLLECTION, PROCESSING AND DISPOSAL

§00-001. General

The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance. Any person accumulating or storing municipal waste on private or public property shall insure the sanitary and legal disposal of such waste in accordance with this Ordinance and all other applicable Township, State, and Federal laws and regulations.

§00-002. Residential Properties

A. Storage: Municipal Waste, Recyclables and Yard Waste accumulated by owners of residential properties and/or the occupants of residential properties shall be placed in closed or covered containers, carts or bags for collection by a licensed hauler. Use of Detachable Containers at multi-family establishments shall comply with the provisions of this Ordinance.

B. Curbside Collection Time and Responsibility for Spillage:

1. Residents shall place Municipal Waste in a Container, Cart and/or Bag; and Recyclables in a Container or Cart at the curbside for collection in sufficient time to permit collection on the day of collection.
2. The collection course and the schedule of collection days for municipal waste shall be determined by the licensed hauler. Residents shall prevent the spillage of any Solid Waste material placed at the curb for collection, and shall be responsible for the clean-up of any spilled Municipal Waste prior to the collection by the licensed hauler.
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 Township's Contractor.

C. Preparation for Curbside Collection

1. **Solid Waste.** All Municipal Waste shall be placed in a Container, or Cart(s) provided by a licensed hauler, and/or in a Bag(s), except as provided herein, and placed at the curbside at a location not to exceed Eight (8) feet from the curb or edge of the roadway, on a level spot on the Dwelling Unit's property, so as to not block or interfere with the street right-of-way or public place.
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 or block the street right-of-way or public space

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

- A. **Containers.** Municipal Waste, and Recyclables accumulated on commercial, industrial and institutional properties shall be stored in Containers or Detachable Containers.
- B. **Securing Material for Collection.** Commercial, industrial and institutional properties storing Recyclables outside of containers shall tie the material securely in bundles or bales of a size that can be readily handled for collection, and in a manner that minimizes litter, safety hazards and fire hazards.
- C. **Location of Containers.** Detachable Containers for the storage and collection of Municipal Waste, and Recyclables at commercial, industrial, or institutional properties shall be located on the customer's premises, which location, and buffering, if required, shall be in compliance with zoning or other applicable municipal requirements for the location of such Containers. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys, or entrances and exits of public or private buildings.
- D. **Collection.** All owners and occupants of commercial, industrial and institutional properties shall provide for the regular collection and removal of Municipal Waste, and Recyclables from the property through a contract with a Licensed Hauler.
- E. **Containers.** All property owners and/or organizers of community activities shall provide containers for the storage and collection of municipal waste and make proper arrangements for such collection.

§00-004. Recyclables

- A. **Separation of Recyclables.** Recyclables shall be kept separate from and disposed of separately from Municipal Waste and Yard Waste.
 - 1. **Commercial, Industrial Institutional Property:** A non-occupant owner, or agent of an owner, of a commercial, industrial or institutional property shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property for the separation of Recyclables from Municipal Waste and transported to a Recycling Facility.
 - 2. **Community Activities:** Any property owners and/or organizers of community activities shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property/event for the separation of Recyclables and provides for its collection and transportation to a Recycling Facility.

3. **Residential:** Residential properties shall be deemed to have complied with their separation responsibilities by excluding Recyclables from their Municipal Waste and placing them at the appropriate location for collection by the Township's licensed hauler.

B. Collection.

1. For residential properties, all Recyclables shall be placed at the curbside as specifically provided herein.
2. For commercial, industrial and institutional properties, all Recyclables shall be collected by a Licensed Hauler separately from Municipal Waste on a regular basis. Such properties shall not place Recyclables at the curbside for collection; such curbside collection being intended solely for the placement of Recyclables generated in residential properties. Materials may be delivered directly to a recycling center provided the commercial, industrial and institutional property provides receipts, and/or weigh slips demonstrating the amount of material and name and location of the receiving facility.
3. All property owners and/or organizers of community activities shall provide containers for the storage and collection of recyclable materials and make proper arrangements for such collection.
4. All licensed haulers shall transport collected recyclables to a Recycling Facility and Recyclables shall not be commingled, during collection or otherwise, with Municipal Waste or Yard Waste.

- C. Donation of Materials.** Any person may donate or sell Recyclables to individuals or organizations.

§00-005. Yard Waste

- A. **Use of Compost.** Nothing in this Ordinance shall require any person to gather yard waste or prevent any person from utilizing yard waste for compost, mulch or other agricultural, horticulture, silvicultural, gardening and/or landscape purposes.
- B. **Commercial Landscaping.** Nothing contained herein shall prohibit a commercial landscaping company from removing yard waste, for the purpose of composting, from the properties, which it services.

§00-006. Authorization of Collectors

- A. **Licensed Haulers.** It shall be unlawful for any person other than persons authorized by license by the Commonwealth of Pennsylvania and registered with Summit Township, or its designee, as a regular hauling business, to collect and/or transport Municipal Waste, and Recyclables, which is generated within the Township, except as specifically provided herein.
- B. **Registration with the Township.** A person who has obtained a license from the

Commonwealth of Pennsylvania under the Waste Transportation Safety Act (Pennsylvania Act 90) authorizing said person to collect, transport, and or dispose of municipal solid waste, and bulk waste from residential, commercial, industrial, and institutional establishments must register his intent to operate within Summit Township to be considered a Licensed Hauler. Such persons must complete and submit forms developed by the Township and present documentation of such authorization to the Manager of Summit Township or his designee. A person that that is not required to obtain a license issued under the Waste Transportation Safety Act (Pennsylvania Act 90) and/or a person that collects, transports, and or processes only source-separated recyclables from residential, commercial, industrial, and institutional establishments must register his intent to operate within Summit Township to be considered a Licensed Hauler. Such persons must complete and submit forms developed by the Township to the Board of Supervisors of Summit Township or its designee.

C. Reporting

1. Every licensed hauler must provide the Township with a comprehensive written list of all residential property(ies)/unit(s), commercial, industrial and institutional establishments; identifying any and all customers. The list shall be updated and provided to the Township by February 15, 2011 and updated on that date every year thereafter.

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 three (3) recyclable commodities to be determined by resolution of the Board of Supervisors.

D. Exclusive Contract with Township. The Township may authorize a designated agent to award and administer an exclusive contract for the collection and transportation of such material. The Township or its designated agent may, through a competitive bidding process, award an exclusive service contract to a Licensed Hauler for all or part of residential Municipal Waste, or Recycling collection, processing and disposal.

§00-007. Collection by Unauthorized Persons

- A. **Licensed Hauler.** Except as specifically provided herein, it shall be a violation of the Ordinance for any person(s) other than a Licensed Hauler to collect, remove or transport or cause to be collected, removed or transported any Municipal Waste, and Recyclables. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as provided for in this Ordinance.
- 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.
- C. **Non-residential Storage Bins or Detachable Containers.** Any Municipal Waste, or Recyclables deposited in storage bins or Detachable Containers at commercial, municipal, industrial and institutional establishments is the property of the establishment unless such establishment agrees that ownership is transferred to the licensed hauler when the material is collected.

- D. **Scavenging.** Scavenging or pilfering of Municipal Waste or Recyclables shall constitute a violation of this Ordinance.

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

- A. **Spillage.** Any person transporting Municipal Waste or Recyclables within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such material.
- B. **Vehicle Markings.** The licensed haulers shall collect refuse in vehicles which are suitable for such collection, which are dedicated for use in performance of such collection, and which bear prominent legible marking, signs, or decals identifying them as being municipal solid waste collection vehicles, and stating the name and phone number of the licensed hauler.
- C. **Vehicle Conditions.** All vehicles used for the transportation of Municipal Waste, and/or Recyclables shall be securely covered, watertight, strongly built, and kept thoroughly cleaned and well maintained. Except for roll-offs, which must be tarped, open trucks shall not be used for the collection of Municipal Waste.
- E. **Vehicle Transfers.** The transfer of Municipal Waste, and/or Recyclables from one collection vehicle to another may not take place within the Township, except as authorized on private property. No such transfer may take place on any public right-of-way and no such transfer operation shall block traffic, create litter or in any other manner constitute a nuisance create a health hazard or violate any other ordinance of the Township or provision of statutory law.

§00-009. Disposal of Municipal Waste

All Municipal Waste generated, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at the facilities designated in the Erie County Solid Waste Management Plan.

§00-210. Unlawful Disposition of Municipal Waste

It shall be unlawful for any person to bring any Municipal Waste or Recyclables into Summit Township or to transport Municipal Waste or Recyclables from one address to another within or outside of the Township for the purpose of taking advantage of the Township's collection service and/or to avoid the cost of collection, except as specifically provided herein.

§00-211. Bulk Waste and White Goods

A. Transportation and Disposal - Bulk waste and White Goods shall be disposed of in accordance with the Erie County Municipal Solid Waste Management Plan at a permitted disposal facility, a facility specially designated by the Township to take such bulk items and white goods, or a legitimate salvage dealer that is in the business of disposing of or recycling such items. Bulk waste and white goods shall be transported in a vehicle appropriate to the type of waste so as to prevent spillage, accidental loss, etc.

B. Non-Solid Waste Business Related Transportation - Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal solid waste from hauling his/her bulk waste to a State permitted disposal facility or to a disposal facility as designated by the Erie County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility.

§00-212. Construction and Demolition Waste

All waste materials resulting from the building, structural alteration, repair, construction, or demolition of buildings or structures shall be disposed of only as permitted by applicable Township, State, and Federal laws and regulations as may be in effect or as subsequently imposed. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations.

§00-213. Dumping/Litter

It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of any municipal solid waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage and collection in conformance with this Ordinance. It shall be unlawful for any person to dump or deposit any municipal solid waste or recyclables in any stream or body of water within the Township.

§00-214. Exclusions

A. Farming. Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure or other farm produced agricultural waste, not otherwise prohibited or regulated for land applications. All such practices must be conducted in compliance with applicable Township, State, and Federal laws and regulations.

B. Hazardous/Residual Waste. The provisions of this ordinance apply only to the storage, collection, transportation, and disposal of Municipal Waste, Recyclables, and Yard Waste and do not apply therefore, to Hazardous or Residual Waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All Hazardous or Residual Waste must be disposed of in compliance with applicable Township, State, and Federal laws and regulations as may be in effect or subsequently imposed.

- C. **Construction/Demolition Waste.** Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting Municipal Waste from hauling his/her self generated construction and demolition waste to a State permitted disposal facility or to a disposal facility as designated by the Erie County Municipal Solid Waste Management Plan in accordance with the regulations of the disposal facility.
- D. **Exclusion of Farm Property.** Residents who are occupants of a Farm property shall be automatically excluded from the curbside collection requirement of this Ordinance, however, such residents shall comply with all other provisions of this Ordinance.
- E. **Exclusion of Residential Unit.** Residential property owners may be excluded from the curbside collection requirements of this Ordinance to the extent the property owner can demonstrate that they have collection and disposal services available, through a written agreement, with a commercial, industrial or institutional property that maintains a contract for services with a licensed hauler that otherwise complies with Township Ordinances. Such residential property owner shall apply for exclusion under this provision on a form provided by the Township that certifies compliance with the provision for exclusion. Such residential property owners shall remain responsible for compliance with all other provisions of this Ordinance.
- F. **Placement Exemptions.**
1. The Township may grant exceptions to the placement of Municipal Waste, and/or Recyclables at the curbside to residences occupied solely by persons with physical limitations. For the purpose of this subsection, "physical limitation" means any illness, injury, incapacity or other physical handicap, which prevents the person from placing municipal waste at the curb.
 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.

PART 3 SERVICE FEES AND BILLING

§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, shall pay for garbage collection service and shall utilize the recycling collection service contracted by the Township.

B. Discontinuance of Service: A licensed hauler may discontinue service for non-payment of service fees by an owner of property, or a person occupying a residential dwelling unit, or premises. Discontinuance of service due to non-payment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this Ordinance.

§00-302. Commercial, Industrial, Institutional Properties and Community Activities

A. Mandatory Participation - It shall be the duty and responsibility of every owner of property, every place of business within the Township, and the organizer of any community activities where Municipal Waste is produced and is accumulated to contract with a licensed hauler for Garbage, and Recyclables, collection services to the extent provided by this Ordinance.

B. Commercial, Industrial and Institutional Establishments - Commercial, industrial, and institutional establishments shall submit annually, on forms provided by the Township, a report to the Township or its designated agent which contains the following information concerning compliance to the Recycling Requirements of this Ordinance:

1. Commercial/ Industrial or Institutional name, address, telephone number, contact person and owner's name.
2. Company name, address, telephone number, and contact person for entity providing the recycling service.
3. Description of materials recycled, frequency of collection, method of storage and end market.
4. Weigh slips or other certification, which show by weight and type of material recycled. If weigh slips are not used, the form of certification requires the prior approval of the Township.
5. Form of certification to assure proper processing/marketing of recyclable materials.
6. Other information as may be required by the Township agent, which may be required to assure the proper disposition of recyclable materials.
7. Required information is due within Sixty (60) days of the end of the reporting period, which is the end of the calendar year.

PART 4

ENFORCEMENT AND ADMINISTRATION

§00-401. Enforcement and Administration

The Board of Supervisors of Summit Township, or its designee, shall enforce and administer the provisions of this Ordinance.

PART 5 PENALTIES

§00-501. Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction by a district magistrate, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) together with the cost of prosecution, or imprisonment in the Erie County Prison for a period of not more than thirty (30) days. Every violator of the provisions of this ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.

§00-502. Other Remedies

A. Removal of Accumulation of Solid Waste - In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of Municipal Waste and should said person fail to remove such municipal solid waste after five (5) days following written notice, the Township may cause the solid waste to be collected and disposed of with the cost for such action to be charged to the owner or occupant of the property.

B. Separate Offenses - Nothing contained in this Article shall affect, in any way, the provisions of this Ordinance regarding separate offenses for every day any violation occurs.

PART 6 SEVERABILITY AND AMENDMENTS

§00-601. Severability

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

§00-602. Amendments

This ordinance or any part thereof may be amended from time to time in accordance with the procedures as established by law.

§00-603. Applicability

This Ordinance shall be subject to all applicable federal, state, and municipal laws and ordinances as well as rules and regulations as set forth by the Department of Environmental Protection, Commonwealth of Pennsylvania.

§00-604. Effective Date

This Ordinance shall become effective on September 20, 2010 with the provisions for curbside collection at residential properties effective January 1, 2011.

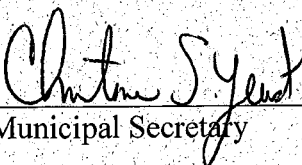
§00-605 Repealer

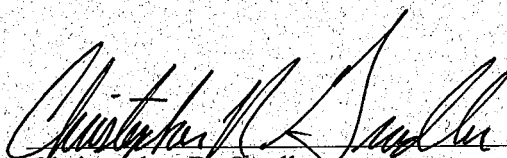
Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

Ordained and enacted this 20th day of September, 2010, by the Board of Supervisors of the Township of Summit.

ATTEST:

SUMMIT TOWNSHIP


Municipal Secretary


Christopher R. Gradler,
Chairman, Board of Supervisors

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 4th 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