

**CHAPTER XII**

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**Part 1**

**Garbage and Refuse**

Section 101. Accumulation or Dumping of Garbage and Refuse Prohibited. No person, association, firm or corporation shall keep or suffer to remain upon his or her premises, or on any private property, any garbage, rubbish, offal, carcass, putrid matter or other offensive or unwholesome matter (farming manure excepted), or cast the same upon any highway, road, lot or piece of ground within the Township. Nor may any person, firm or corporation use or permit to be used any spot or place within the Township as a public or private dump for garbage, refuse or rubbish. (Ordinance 4, June 2, 1956, Section 1)

Section 102. Penalties. Any person, firm or corporation who or which shall violate any of the provisions of this Part shall, upon conviction thereof, before a District Justice, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) and costs of prosecution, and, in default or payment of such fine and costs, to imprisonment for a period of not more than thirty (30) day; provided, however, each day's continuance of a violation shall constitute a separate offense. (Ordinance 4, June 2, 1956, Section 2)

**Part 2**

**Landfills**

Section 201. Short Title. This Ordinance shall be known and may be cited as "Amity Township Landfill Ordinance." (Ordinance 90, September 24, 1982, Section 1)

Section 202. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings indicated herein:

(a) Access Road. All roads, either public or private, within the Township which are used by vehicles weighing over twenty thousand (20,000) pounds, loaded, to transport solid waste to a landfill.

(b) Board. The Board of Supervisors of the Township.

(c) Disposal Facility. A facility, or part of a facility, at which waste is placed into or on any land or water and at which waste will remain after closure.

(d) Facility. All land, structures and other appurtenances or improvements on a property where solid waste is processed, stored or disposed.

(e) Haul Road. Any cartway within the landfill which shall be constructed for utilization in all weather conditions.

(f) Hazardous Waste. Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, but not including solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration or physical, chemical, or infectious characteristics may:

(1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(g) Landfill. A disposal facility or part of a facility where solid waste is placed in or on land.

(h) Landfill Site. A tract of land upon which is located a landfill, including all structures and other appurtenances or improvements erected thereon.

(i) Liner. A continuous layer of materials constructed beneath a landfill which prevents the downward or lateral escape of solid waste, solid waste constituents or leachate.

(j) Municipality. A city, borough, incorporated town, township or county, or any authority created by any of the foregoing.

(k) Person. Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, Federal government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject or rights and duties.

(l) Sanitary Landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.

(m) Scavenging. The uncontrolled removal of material from a landfill site.

(n) Solid Waste. Any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

(o) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 90, September 24, 1982, Section 2)

Section 203. Permit. It shall be unlawful for any person or business entity to use or continue to use land within the Township as a landfill, sanitary or otherwise, without first obtaining a permit therefor from the Board. Said permit may be obtained only by a municipality. (Ordinance 90, September 24, 1982, Section 3)

Section 204. Permit Fees. Each application for a permit, or renewal application, shall be accompanied by a permit fee of Five Hundred Dollars (\$500.00), and a further deposit of Ten Thousand Dollars (\$10,000.00), both made payable to the Board in the form of a certified check or money order, to be applied against the actual cost to the Township of technical review of the application and impact statement. A refund of the excess of the deposit over the actual cost of technical review will be made to the applicant. (Ordinance 90, September 24, 1982, Section 4)

Section 205. Permit Renewal. Each permit shall be valid for one (1) year from the date of issuance. The permit holder desiring to renew an existing permit shall complete and submit to the Board an application at least ninety (90) days before the expiration date thereof and shall tender with each application such permit fees as are required herein. (Ordinance 90, September 24, 1982, Section 5)

Section 206. Application for Permit.

(a) No application for a permit under this Part shall be accepted by the Board unless the applicant has first obtained a conditional use permit from the Board. All permit fees submitted with a permit

application or renewal application are non-refundable, even if the permit is denied or subsequently suspended or revoked.

(b) The application for a permit shall be submitted in writing to the Board, and shall contain:

(1) A topographical drawing, prepared by a professional engineer registered in the State of Pennsylvania to a scale no greater than one inch equals one hundred feet (1" = 100'), showing:

(i) Location of site relative to public roads;

(ii) Owners of adjacent properties;

(iii) Proposed fencing and improvements;

(iv) Proposed screening;

(v) Cross sections showing the existing grades and the proposed grades upon completion and closure of the landfill;

(vi) Landfill areas within the landfill site, to include staging of landfill development and the location of haul roads and access roads;

(vii) Location of equipment cleaning and tire cleaning areas; and

(viii) Location of weighing scales, fire fighting equipment and all facilities.

(2) The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate which is the subject of the application.

(3) The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answers to Subsection (b) above, where such persons or firms possess an ownership interest of ten percent (10%) or more.

(4) The names and current addresses of any and all persons having any interest in the operation or proposed operation, maintenance and use of the real estate in question as a landfill.

(5) The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answer to Subsection (4) above, where such persons possess an ownership interest of ten percent (10%) or more.

(6) The identities and qualifications of personnel designated to manage the proposed facility, together with their intended responsibilities.

(7) All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Resources relating to solid waste processing and disposal systems are incorporated herein by reference, and the applicant shall be required to submit any and all plans, applications, data, materials, studies and information to the Board

as is required to be submitted to the Pennsylvania Department of Environmental Resources pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with that Department.

(8) Statements indicating expected useful life of the landfill site and the condition and proposed uses of said site upon termination of operation, including but not limited to any limitations of future uses due to decomposition gases.

(9) An access road survey, which shall include the following:

(i) Statement as to the estimated number of vehicles weighing over twenty thousand (20,000) pounds, loaded, which are expected to use the landfill on a daily basis during the first two (2) years of operation; and

(ii) A plan indicating all roads anticipated to be used as access roads, as defined herein.

(10) Statement of applicants' prior experience, if any, in operating landfills.

(11) (i) An environmental assessment statement, which shall include the following:

a) A description of the proposed landfill and facilities;

b) A physical description of the environment affected, including but not limited to summary technical data and maps and diagrams adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be attached as appendices or footnoted with adequate bibliographic references;

c) The interrelationships and cumulative environmental (including economic) impact of the proposed landfill and other landfills shall be stated with adequate technical analysis;

d) The sources of data used to identify, quantify or evaluate any and all of environmental consequences must be expressly noted;

e) The relationship of the proposed landfill to land use plans, policies and controls for the affected area, including a statement as to how the proposed landfill may conform or conflict with the objectives and specific terms of existing or proposed federal, state, county and township land use plans, policies and controls;

f) An analysis of:

1) The primary and secondary effects of the landfill and its capacity to stimulate or

induce changes in patterns of social and/or economic activities;

2) The impact on existing community facilities and activities, changes in natural conditions, etc.; and

3) The effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes and towns.

g) Specific data relating to the impact of the landfill on local vehicular traffic;

h) Specific data relating to the impact of the landfill on local water supplies, streams and rivers;

i) Specific data relating to the impact of the landfill on natural and man-made local storm drainage facilities and areas;

j) Specific data relating to the impact of the landfill on the existing flood-hazard areas of the Township, including details of any measures or precautions which may have to be taken in order to provide adequate flood control in the Township;

k) A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated;

l) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed action forecloses future options. In this context, the words short-term and long-term should be viewed in terms of the environmentally significant consequences of the proposed action;

m) The aesthetic impact of the proposed action, including its impact upon visual quality of the surrounding community;

n) An analysis of the success and/or failure of similar projects, if the proposed project is of a non-conventional nature.

o) A statement of any adverse effects on employment, taxes and property values;

p) A statement of any effects on desirable community growth; and

q) A statement describing the location and impact of the project on nearby recreation areas.

(ii) In developing the above data, applicant shall convey the required information succinctly in a form easily understood both by members of the public and by public decision makers, giving attention to the substance of the information conveyed rather than to the particular form, length or detail of the statement. Statements should indicate, at appropriate points in the text, any underlying studies, reports and other information obtained and considered by the applicant in preparing the statement. Care should be taken to insure that the statement remains an essentially self-contained instrument capable of being understood without the need for cross reference.

(iii) Each environmental statement should utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on the environment. Application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic and environmental consequences.

(Ordinance 90, September 24, 1982, Section 6)

Section 207. Regulations.

(a) Every person receiving a permit under this Part shall constantly maintain the landfill site in accordance with any special provision imposed by the Board and in the manner prescribed in this Section and any subsequent regulations adopted by the Board.

(b) The following regulations shall apply to all landfills and landfill sites:

(1) The landfill shall be located so that safe and adequate access is available over public roads at all times. In doing so, any access road, as defined herein, to the proposed landfill shall be a minimum of twenty-four feet (24') in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The Board may further require that the cost of improvement of access roads to provide this standard of access shall be assessed against the permittee either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. The permittee shall give written assurance that within one (1) year of the termination of the landfill operation all access roads will be restored, if necessary, to their condition as existing immediately prior to the commencement of the operation as determined by the Township engineer.

(2) All trucks entering and leaving the landfill site shall be covered, and all access roads, as defined herein, to the landfill

shall be patrolled daily to pick up and dispose of scattered and blowing papers or other refuse.

(3) The landfill site shall be properly fenced along the interior boundary of the buffer zone to prevent blowing papers and other refuse on adjoining properties. The fence shall be metal wire mesh constructed of No. 9 gauge wire woven in a two inch (2") mesh in full conformance with the American Society of Testing Materials Specification A 491-71. The surface height of the fence shall be eight feet (8') plus an additional minimum of three (3) strands of barbed wire, installed, at least six inches (6") apart, onto brackets affixed to the top of the fence at an angle forty-five degrees (45°) from vertical. The fence shall contain, at all entrances, gates which are locked except during business hours. In addition, temporary litter control fences shall be installed in such a manner as to prevent litter from dispersing onto the landfill site, no more than seventy-five feet (75') downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected weekly and incorporated into the landfill.

(4) The landfill shall not be located on land mapped by the Soil Conservation Service as having either a high water table or seasonal high water table or which is subject to flooding.

(5) The landfill site shall be graded and provided with drainage facilities to minimize runoff, prevent erosion and prevent collection of standing water.

(6) Burning and scavenging shall not be permitted.

(7) Hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 12:00 p.m. Saturday. The landfill site shall not be operated on Sundays and holidays. At least three (3) employees shall remain at the landfill site during business hours.

(8) The landfill shall be located a minimum of four hundred feet (400') from any other zoning district boundary line, and at least five hundred feet (500') from any existing residence or any residence under construction at the time of application.

(9) The landfill shall be located a minimum of two hundred feet (200') from any street not located within the landfill site and two hundred feet (200') from any adjoining property line.

(10) Maximum lot size shall be seventy-five (75) acres.

(11) The landfill, as well as all improvements erected on the landfill site, shall be screened from view from the adjoining property boundaries by a buffer zone of a minimum of two hundred feet (200') between said site and improvements, and any adjoining property, in which shall be placed a planting screen consisting of a variety of evergreen trees in a solid double row with a minimum height of nine feet (9') so as to create a visual screening of said site and improvements from all adjoining real property.

(12) Emission of unpleasant gases or odorous matter shall not be permitted in such quantities as to be offensive outside the boundaries of the landfill site. The sound pressure level of any

operation within the landfill site shall not exceed, at any point along the landfill site boundary, the decibel levels in the following octave bands:

<u>Octave Bank (Cycles per Second)</u>	<u>Maximum Permitted Sound Level (Decibels)</u>
10 to 600	45
600 to 2,400	33
2,400 to 4,800	30
Above 4,800	25

(13) The grade of the landfill shall never exceed the highest point of natural elevation within the landfill site prior to commencement of the operation. The final grading of the landfill shall be done in a manner so that the landfill site is left in a useful condition. Owners and operators of the proposed landfill site are encouraged to provide for the future dedication of properties used for landfill purposes to the Township for park and recreational facilities.

(14) Wherever possible, the trench method of landfill shall be used. In the trench method, refuse is placed in a trench, compacted and covered in longitudinal cells. Cover material is obtained by the excavation of a parallel trench. The area method of landfill shall be used where the trench method would be impractical due to topographical or other conditions. The area method involves the filling and covering of existing ravines or other low places.

(15) All solid waste shall be deposited in trenches or low places, and shall be spread, compacted and covered by the end of each day with a layer of dirt at least four inches (4") to six inches (6") deep.

(16) All equipment on the landfill site shall be maintained in a clean and neat condition and stored under roof when not in use.

(17) Necessary measures shall be taken to prevent and extinguish fires. Water at adequate volume and pressure, as determined by the Board, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles and pumps for minimizing fire hazard shall be available at the site. All equipment and buildings shall be equipped with functional fire extinguishers. At least three (3) functional Scott Air Packs shall be housed at the landfill site. All employees shall, prior to commencing work at the landfill site, undergo a training program, in cooperation with local fire departments, designed to teach basic fire fighting techniques.

(18) The landfill shall contain an on-site scale, and all solid waste delivered to the landfill site shall be weighed and recorded pursuant to Section 211 of this Part.

(19) A certified copy of all reports, data, plans and other material or information required to be submitted to Pennsylvania Department of Environmental Resources shall be submitted to the Board.

(20) A tire cleaning area shall be provided on the access road within the landfill site. All tires on all trucks leaving the landfill site shall be cleaned. Runoff from the tire cleaning area shall be controlled in accordance with the provisions of the Pennsylvania Storm Water Management Act.

(21) Landfill liners, when required by the Pennsylvania Department of Environmental Resources, shall be constructed of synthetic flexible polymeric material having a minimum field thickness of sixty (60) mils.

(22) An equipment cleaning area shall be provided on the landfill site. All equipment used to grade and compact solid waste in the landfill shall be cleaned daily to prevent odors, vectors and other nuisances. All drainage from equipment cleaning areas shall be managed so as to prevent water pollution, and shall be discharged to a sanitary sewer system or other facilities approved by the Board.

(23) Groundwater monitoring wells shall be required and shall be located both along the interior boundary lines of the buffer zone and outside the boundary lines of the landfill site as determined by the Township engineer. The water in each well shall be tested by the permittee monthly for all items listed in the regulations of the Pennsylvania Department of Environmental Resources, and for all other additional items as may be required by resolution of the Board. The test result shall be submitted, in writing, to the Board within ten (10) days after the date of each test.

(24) All facilities, equipment and personnel shall be equipped with both an internal communications or alarm system capable of providing immediate emergency instruction (voice and signal) to facility personnel, and a device immediately available at the scene of operations, such as a telephone or a hand-held two-way radio, capable of summoning emergency assistance from local police and fire departments.

(25) The landfill site shall have at least one (1) emergency access entrance, which shall be locked except when used during an emergency situation. Permittee shall provide a key to this entrance to both the landfill inspector and the local fire departments.

(26) Sanitary toilet facilities, as approved by the Board, shall be constructed and made available for use by persons on the landfill site.

(27) Permittee shall prepare, and update when needed, a detailed map of all haul roads within the landfill. This map shall be submitted to the local police and fire departments within ten (10) days of its completion or update.

(28) Upon completion of each major phase of landfill construction, certification shall be provided by a professional engineer registered in the State of Pennsylvania, indicating that the actual landfill construction was observed by such engineer or his agents, and that said construction is in strict conformance with permit requirements of both the Pennsylvania Department of Environmental Resources and ordinances of the Township.

(29) Standby equipment shall be on-site available within twenty-four (24) hours of equipment failure. In the event of equipment failure, standby equipment shall be utilized.

(30) Hours of operation and operating fee rates shall be prominently displayed on a sign at the entrance. The sign shall be a minimum size of three feet by four feet (3' X 4'), and the lettering shall be readable with the naked eye from a distance of fifty feet (50').

(Ordinance 90, September 24, 1982, Section 7)

Section 208. Issuance of Permit. Within ninety (90) days of the receipt of an application for a permit by the Board, the Board shall issue a permit or shall refuse to issue a permit to the applicant after an examination of the application and after determination that the applicant has complied with regulations in this Part. (Ordinance 90, September 24, 1982, Section 8)

Section 209. Transfer of Permit. No permit issued by the Board shall be transferrable by the permittee to any other municipality unless such a transfer is authorized by the Board. Any municipality desiring to transfer his permit shall notify the Board in writing, which notification shall be accompanied by an application for a permit, as prescribed by this Part, by the transferee. (Ordinance 90, September 24, 1982, Section 9)

Section 210. Transfer Fee. In the event the Board shall approve the transfer of a permit, the transferee shall immediately pay to the Township a transfer fee of One Thousand Five Hundred Dollars (\$1,500.00). (Ordinance 90, September 24, 1982, Section 10)

Section 211. Records. Every person who has obtained a permit under this Part shall provide and keep a book. Permittee shall be responsible for the accuracy of all information contained in the book. The book shall contain the following information written down in the English language:

- (a) The origin of all solid waste accepted by the landfill site;
- (b) The weight of all solid waste accepted by the landfill site;
- (c) The number of trucks bringing solid waste to the landfill site;
- (d) The number of vehicles other than trucks bringing solid waste to the landfill site;
- (e) The type of solid waste accepted by the landfill site;
- (f) A complete record of all monies accepted by the landfill operation for solid waste brought to the landfill site; and
- (g) The name, home address and telephone number of the driver of each vehicle and license number of each vehicle bringing solid waste to the landfill site.

(Ordinance 90, September 24, 1982, Section 11)

Section 212. Inspection.

(a) The Board shall appoint or hire a full-time landfill inspector, who shall be required to regularly oversee and inspect the landfill operation, the landfill site and all vehicles entering or leaving the landfill site to monitor compliance with the regulations contained in

this Part. The inspector is required to submit monthly reports in writing to the Board concerning the condition of the landfill and the landfill site.

(b) The permittee shall at all times allow the landfill inspector access to the following:

(1) All records, data, material, books and other information kept or maintained by the permittee;

(2) All areas of the landfill site, including but not limited to the landfill and all solid waste delivered to or disposed in the landfill; and

(3) All equipment, vehicles, buildings or other improvements and appurtenances located on the landfill site, including but not limited to all vehicles entering or leaving the landfill site.

(c) The permittee shall provide a permanent office within the landfill site for use exclusively by the landfill inspector. The office shall be at least ten feet by ten feet (10' X 10'), shall contain, at a minimum, a desk, a chair and adequate lighting, heat and air conditioning, and shall be located at a place specified by the Board.

(d) The landfill inspector shall have authority to order the permittee to cease all operations at the landfill site and to order permittee to lock all entrances to the landfill site if the landfill inspector has reasonable cause to believe that the landfill site is, or has been, operated in violation of this Part or any other ordinance or regulation of the Township, the Pennsylvania Solid Waste Management Act, or the regulations or standards established by the Pennsylvania Department of Environmental Resources. The landfill inspector shall immediately notify the Board of the action taken, and the Board shall, within ten (10) days of the notification by the landfill inspector, act or approve, amend or disapprove the action taken by the landfill inspector. Failure by the Board to act within said ten (10) day period shall be deemed to be a disapproval of the action taken by the landfill inspector.

(Ordinance 90, September 24, 1982, Section 12)

Section 213. Operating Fee. The Board shall levy an operating fee based upon the amount of solid waste disposed on the landfill site, which fee shall be used to administer this Part. The operating fee shall be established by resolution of the Board. Said fees shall be collected by the permittee from all persons delivering solid waste to the landfill site, and shall be submitted to the Board monthly. (Ordinance 90, September 24, 1982, Section 13)

Section 214. Violations. Any person who shall violate any of the provisions of this Part shall, upon conviction thereof, by a summary proceeding, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), and the costs of prosecution, or sentenced to confinement in the Berks County Prison for a period not exceeding thirty (30) days, provided that each day's violation of any of the provisions of this Part shall constitute a separate offense. (Ordinance 90, September 24, 1982, section 14)

Section 215. Abatement of Nuisances. In addition to the remedies provided above, any continued violations of this Part which shall constitute a nuisance in fact or which shall, in the opinion of the Board, constitute a nuisance, may be abated by proceeding against the violator in a Court of Equity for relief. (Ordinance 90, September 24, 1982, Section 15)

Section 216. Revocation or Suspension of Permit.

(a) Any permit granted by the Board under the provisions of this Part shall be revocable or subject to suspension, at any time, upon the determination by the Board that the landfill or landfill site:

(1) Is or has been conducted in violation of this Part or any other ordinance or regulation of the Township or of the Pennsylvania Solid Waste Management Act, or the regulations or standards of the Pennsylvania Department of Environmental Resources; or

(2) Is creating a public nuisance ; or

(3) Is creating a potential hazard to the public health, safety and welfare; or

(4) Adversely affects the environment.

(b) When a permit is denied, suspended or revoked, a hearing shall be held thereon before the Board within fifteen (15) days after request therefor is made by the person or business entity whose permit is denied, suspended or revoked. Within seven (7) days following the date of such hearing the Board shall notify all parties in writing of the determination of said hearing and the reasons therefor.

(Ordinance 90, September 24, 1982, Section 16)

Section 217. Restoration of Land. Permittee shall restore the landscape of any landfill site before vacating the premises, which restoration shall include, but not be limited to, planting of trees and shrubs of a species approved by the Board. (Ordinance 90, September 24, 1982, Section 17)

Section 218. Public Hearing. The Board may, in its discretion, hold a public hearing on the questions of:

(a) The proposed landfill's effect on the water, noise and air pollution and on environment, landscape and the health, safety and welfare of the people in the Township; and

(b) Its effect on the economic development of the Township.

(Ordinance 90, September 24, 1982, Section 18)

Section 219. Hazardous Waste. Disposal of hazardous waste, as defined by the Pennsylvania Solid Waste Management Act, on any landfill site with the Township is hereby prohibited, unless a certificate of public necessity has been obtained in accordance with the requirements established by the Pennsylvania Solid Waste Management Act. Once said certificate has been obtained, all provisions of this Part shall apply to said disposal. (Ordinance 90, September 24, 1982, Section 19)

Section 220. Insurance. All permit holders under the provisions of this Part shall furnish proof to the Board of liability insurance covering all aspects of their activities under this Part. A personal injury policy shall be obtained in the amount of at least One Million Dollars (\$1,000,000.00) per person or Three Million (\$3,000,000.00) per accident. A property damage policy shall be obtained in the amount of at least One Million Dollars (\$1,000,000.00) per accident. A disaster policy shall be obtained in the amount of at least Thirty Million Dollars (\$30,000,000.00) which policy shall provide for environmental restoration

in the event of sudden and accidental, or gradual, pollution caused by discharge, dispersal, release or escape of pollutants. All policies required by this Part shall have a minimum cancellation period of not less than thirty (30) days after receipt in writing of the notice of cancellation by the Board. All policies required by this Part shall be maintained by the permit holder throughout the entire period of the landfill operation. (Ordinance 90, September 24, 1982, Section 20)

Section 221. Severability. The provisions of this Part are severable, and if any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions, sections or parts thereof of this Part. (Ordinance 90, September 24, 1982, Section 21)

Section 222. Savings Clause. Nothing in this Part shall be deemed to affect, modify, amend or repeal any provisions of any ordinance administered by the Board or any other Department, Commission or Agency of this Township. (Ordinance 90, September 24, 1982, Section 22)

**Part 3**

**Municipal Waste and Recyclable Collection**

Section 301. Title. This Ordinance shall be known and may be cited as the Municipal Waste and Recyclable Collection Ordinance. (Ordinance 127, August 19, 1991, Section 1)

Section 302. Definitions.

(a) Aluminum Cans. Empty all-aluminum beverage and food containers.

(b) Bimetallic Containers. Empty food or beverage containers consisting of steel and aluminum.

(c) Commercial Establishment. Those properties used primarily for commercial or industrial purposes.

(d) Corrugated Paper. Structure paper material with inner core shaped in rigid parallel furrows and ridges.

(e) Designated Recyclable Materials. Materials found within the municipal waste stream that have been designated for collection under the Township's Recycling Collection Program.

(f) Ferrous Containers. Empty steel or tin-coated steel food or beverage containers.

(g) Glass Container. Bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass and porcelain and ceramic products, pyrex, coffee mugs, drinking glasses or light bulbs.

(h) High-Grade Office Paper. All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

(i) Institutional Establishment. Those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

(j) Leaf Waste. Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

(k) Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

(l) Multi-Family Housing Properties. Any properties having six (6) or more dwelling units per structure.

(m) Municipal Establishments. Public facilities operated by the municipality and other governmental and quasi-governmental authorities.

(n) Municipal Waste. Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous materials resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual waste or hazardous waste in Act 97 and Act 101 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility, but excluding source separated recyclables.

(o) Municipality. The Township of Amity, Berks County, Pennsylvania.

(p) Municipal Waste Collector. Any collector registered pursuant to this Part and the regulations established by Resolution adopted hereunder, and pursuant to any Intermunicipal Agreement subsequently executed by the Township with Berks County or other municipalities.

(q) Person. Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment, or any combination of the foregoing, "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

(r) Plastics. Empty PET plastic bottles (soda bottles) and HDPE plastics (laundry detergent bottles and/or plastic milk containers).

(s) Public Agency. Any State agency or local public agency.

(t) Recyclable Materials. Only those materials required to be recycled pursuant to the provisions of regulations established by Resolution adopted hereunder, as revised from time to time.

(u) Resident. Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as the subject of rights and duties, which owns, leases or occupies a property located in the Township used as a residence and containing five (5) or less dwelling units.

(v) Source Separated Recyclables. Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

(w) Storage. The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any municipal waste in excess of one (1) year constitutes disposal.

(x) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 127, August 19, 1991, Section 2)

Section 303. Recyclable Materials. Designated recyclable materials for the Township Collection Program shall consist of such materials as may be

designated by Resolution adopted, from time to time, by the Board of Supervisors of the Township. (Ordinance 127, August 19, 1991, Section 3)

Section 304. Separation of Recyclable Materials. All persons residing within the Township, whether in single-family or multi-family dwellings, townhouses or apartments, shall separate from other municipal waste generated at their dwellings all designated recyclable materials. These materials shall be stored until collection thereof by the Township or its designated agent, at times and dates as set forth by the Township in subsequently promulgated regulations. The Township, from time to time, hereafter by resolution, may designate other items to be recycled. Nothing in this Part, or subsequently promulgated regulations relating hereto, shall be deemed to impair the ownership of separated materials by the person or persons who generated them, unless and until such materials are placed at curb side, or other designated location, for collection by the Township, or its agents, at which time ownership of said materials shall pass to the Township. (Ordinance 127, August 19, 1991, Section 4)

Section 305. Separation of Leaf Waste. All persons residing within the Township, as aforesaid, shall also separate from other municipal waste generated at their dwellings all leaf waste so generated, in those areas of the Township and during those periods of time that the Township, by resolution and notice, indicates that such leaf waste is to be collected, until the times for collection, unless those persons have otherwise provided for the composing of such leaf waste. (Ordinance 127, August 19, 1991, Section 5)

Section 306. Multi-family Properties Separation. The owner and/or landlord or the agent of such owner and/or landlord of multi-family rental housing properties with six (6) or more dwelling units, and mobile home parks, shall comply with the requirements of this Part by establishing a collection system for designated recyclable materials at each such property. The collection system must include suitable containers for the collecting and sorting of said recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use of said collection system. Owners and/or landlords and the agent for such owners and/or landlords shall not be liable for the noncompliance of occupants of their buildings. (Ordinance 127, August 19, 1991, Section 6)

Section 307. Multi-family Properties Collection. The owners and/or landlord or the agent of such owner and/or landlord of multi-family rental housing properties with six (6) or more dwelling units, and mobile home parks, not included in the collection system of the Township shall establish a system for the collection of designated recyclable materials and leaf waste and arrange for the removal of such materials to a center for recyclable materials. Leaf waste shall be collected and transported to a composting facility or leaf mulching operation as may be designated by the Township by resolution or notice. Quarterly reports, in writing of the number of tons of such material recycled shall be made to the Township by the 15<sup>th</sup> day of January, April, July and October of each year following each quarter's end. (Ordinance 127, August 19, 1991, Section 7)

Section 308. Commercial, Municipal or Institutional Separation and Collection. All persons owning, leasing, operating, managing and/or otherwise controlling commercial, municipal or institutional establishments, or community activities, shall separate high grade office paper, aluminum, corrugated paper and leaf waste, collect the same and arrange for the removal of such materials to a center for recyclable materials. Annual reports, in writing, of the number of tons of such material recycled shall be made to the Township by the 15<sup>th</sup> day of January of the following year. (Ordinance 127, August 19, 1991, Section 8)

Section 309. Collection and Processing. The Township, by resolution of the Board of Supervisors, from time to time, will schedule a day, not less

frequently than once a month, when designated recyclable materials are to be placed at curb side, or other designated location, for collection. In single-family areas of the Township, one (1) container will be provided for the collection of all designated recyclable materials. Designated materials must be set out for collection in accordance with rules and regulations adopted by the Township.

The Township will establish a system for the collection, not less frequently than once a month, of designated recyclable materials. Such system may involve the collection, transporting, processing or marketing of the materials by the Township itself, or through contracting with other persons for the collection, transporting, processing or marketing of said commingled recyclable materials. (Ordinance 127, August 19, 1991, Section 9)

Section 310. Exemption. Persons owning, leasing, operating or managing commercial, institutional or municipal establishments within the boundaries of the Township who have provided for, or who hereafter provide for, the recycling of materials required to be recycled by the terms of this Part, or by the terms of the Municipal Waste Planning, Recycling and Waste Reduction Act of the Commonwealth, are hereby exempt from the terms of this Part. To be eligible for the foregoing exemption, a commercial, institutional or municipal establishment generating municipal waste must annually provide written documentation to the Township of the total number of tons recycled by the 15<sup>th</sup> day of January of each year. (Ordinance 127, August 19, 1991, Section 10)

Section 311. Ownership of Materials. Designated recyclable materials, from time to time, and the placement of the same at curb side, or other designated collection area, in accordance with the terms hereof or of subsequently adopted regulations, shall be and become the property of the Township, or its authorized or designated agent or agents. Prior thereto said designated recyclable materials shall remain the property of the persons who generated the same. It shall be a violation of the Part for any person not so authorized by the Township to act as its agent or agents for the collection of the designated recyclable materials. (Ordinance 127, August 19, 1991, Section 11)

Section 312. Municipal Waste/Recyclable Collectors.

(a) Registration. Every person desiring to engage in, continue to engage in or hereafter to begin to engage in the business of collecting, removing, transporting or hauling municipal waste and recyclable materials from any property in the Township shall first register with the Township. Such registration shall be for a period of one (1) year beginning January 1<sup>st</sup> of the year in which the registration occurs.

(b) Collection Equipment and Transportation Vehicles. The collection equipment and transportation vehicles used for the collection of municipal waste shall be of the closed metal body type with an automatic compactor unit. Said vehicles shall, at all times, be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other type vehicles may be used only for the collection of recyclable materials, provided such items are separately collected in accordance with other regulations adopted hereunder. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in clean and sanitary condition.

(c) Certificate of Insurance. No person shall be entitled to register with the Township as a collector unless such collector can show certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance, and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be, from time to time, set forth by the Board of Supervisors of the Township by regulations established by Resolution adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Part shall carry with it an endorsement to the effect that the insurance carrier will convey to the Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above mentioned written notice shall be mailed to the Township at least thirty (30) days prior to the effective date of any such modification, alteration or cancellation.

(d) Collection Procedures. Municipal waste collectors shall not be required to collect municipal waste of any resident where it is obvious that recyclable materials have not been separated pursuant to this Part.

(e) Rates Schedule. Each municipal waste collector shall, annually, file with the Township a rate schedule showing the rates to be charged to its customers for the collection of municipal waste and recyclable materials. Such rate schedules shall not be changed by the municipal waste collector without first giving notice to the township at least thirty (30) days prior to the effective date of such change. Each municipal waste collector shall also file with the Township, annually, or upon changes of the routes, a map showing the areas in which it operates and a timetable setting forth the days of collection.

(f) Registration Fee. At the time of registration, the collector shall pay to the Township a registration fee in an amount and form as may be adopted, from time to time, by Resolution of the Board of Supervisors of the Township.

(Ordinance 127, August 19, 1991, Section 12)

Section 313. Violations. It shall be unlawful for:

(a) Any persons, other than those persons authorized, to collect any designated recyclable which has been placed at the curb side or similar location for collection;

(b) Any person to violate or to cause or to assist in the violation of any provision of this Part;

(c) Any person to place, or cause to be placed, any materials other than a designated recyclable in recycling containers;

(d) Any person to hinder, to obstruct, to prevent or to interfere with the Township or any other authorized person in the performance of any duty under this Part.

Any person who shall violate the provisions of this Part shall receive an official written notice of non-compliance from the Township for the first (1<sup>st</sup>) and second (2<sup>nd</sup>) offenses. Thereafter, all such violations shall be subject to penalties hereinafter provided. (Ordinance 127, August 19, 1991, Section 13)

Section 314. Rules and Regulations. The collection of municipal waste and recyclable materials by municipal waste collectors shall be made in compliance with the regulations to be adopted by the Board of Supervisors of the Township to

carry out the intent and purpose of this Part. Such rules and regulations shall be approved by Resolution of the Board of Supervisors of the Township; and when so approved, shall have the same force and effect as the provisions of this Part.

Said rules and regulations may be amended, modified or replaced by Resolution of the Board of Supervisors of the Township. (Ordinance 127, August 19, 1991, Section 14)

Section 315. Penalties. Any person who violates any provision of this Part, or of the regulations adopted hereunder, or any person who knowingly commits, takes part or assists in any such violation, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), and not less than Fifty Dollars (\$50.00). Each day on which a violation of this Part continues shall constitute a separate offense punishable by a like fine or penalty. In addition to said penalty, the Township may institute any appropriate action or proceeding, whether by legal process or otherwise, to prevent any illegal act, conduct, business or use on or about such premises subject to this Part. (Ordinance 127, August 19, 1991, Section 15)

Section 316. Severability. Should any clause, section or part of this Part be held unconstitutional, illegal or unenforceable by any Court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of the Part. It is hereby declared that such clauses, sections or parts as are legal would have been enacted independently of the invalid portion had the invalidity of such clause, section or part be known, and it is the intention of the Township that such remainder shall be and remain in full force and effect. (Ordinance 127, August 19, 1991, Section 16)