

**MUNICIPAL WASTE MANAGEMENT ORDINANCE  
BUTLER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2019-01**

AN ORDINANCE OF THE COUNTY OF BUTLER, PENNSYLVANIA, DESIGNATING DISPOSAL FACILITIES; ESTABLISHING A REGISTRATION PROGRAM FOR ALL PERSONS THAT COLLECT AND/OR TRANSPORT MUNICIPAL WASTE AND/OR RECYCLABLES GENERATED FROM SOURCES LOCATED IN BUTLER COUNTY; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF, IN ACCORDANCE WITH THE BUTLER COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN AND THE PENNSYLVANIA MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT OF 1988 (Act 101) AND THE WASTE TRANSPORTATION SAFETY PROGRAM ACT OF 2002 (Act 90).

**WHEREAS**, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act empowers the County to insure the availability of adequate permitted processing and disposal capacity for the municipal waste which is generated within its boundaries; and

**WHEREAS**, the Board of Commissioners of Butler County, pursuant to the provisions of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, has prepared and adopted a Municipal Solid Waste Management Plan and said Plan has been duly ratified by the municipalities in the County and approved by the Pennsylvania Department of Environmental Protection; and

**WHEREAS**, the County of Butler is empowered to adopt such ordinances, resolutions, regulations and standards deemed necessary to implement the approved Plan and its revisions by the authority vested to the County pursuant to Section 303 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act; and to continue implementing such ordinances by the authority vested to the County pursuant to Act 90, The Waste Transportation Safety Program Act of 2002; and

**WHEREAS**, the County is authorized to require that all Persons register to collect and transport municipal waste and/or recyclables and that municipal waste be transported to the municipal waste processing or disposal facilities designated by the County pursuant to section 303 of the Act, and that source-separated recyclables be transported to recycling facilities for processing.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF BUTLER COUNTY HEREBY ENACTS THIS MUNICIPAL WASTE MANAGEMENT ORDINANCE AS FOLLOWS:**

**SECTION I. Short Title**

This Ordinance shall be known and may be cited as the "Butler County Municipal Waste Management Ordinance."

**SECTION II. Definitions**

The following words and phrases as used in this Ordinance shall have the meaning ascribed to them herein unless the context clearly indicates a different meaning:

**"Act 101"** -The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28,1988), as now or hereafter amended.

**"Authorized / Authorization"** – Any collector and/or hauler permitted under Act 90 of 2002 by the Pennsylvania Department of Environmental Protection and with official documentation as issued by the Department and with copy provided to the County.

**"Chemotherapeutic Waste"**—Waste resulting from the production or use of antineoplastic agents used for the purpose of inhibiting or stopping the growth of malignant cells or killing malignant cells. The term does not include waste containing antineoplastic agents that are hazardous wastes under Chapter 261a (relating to identification and listing of hazardous waste) and 40 CFR Part 261 (relating to identification and listing of hazardous waste) to the extent that Part 261 is incorporated in §261a.1 (relating to incorporation by reference, purpose and scope).

**"Collector, Transporter or Hauler"** – Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste and/or recyclables including any business or institution which generates sufficient municipal waste and/or recycling to require collection and/or transportation directly by its own employees and/or equipment.

**"Community Activity"** -An event attended by 200 or more persons per day which is sponsored by public or private agencies or individuals, including but 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.

**"Composting Facility"**—A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and postclosure 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 facility for composting residential municipal waste that is located at the site where the waste was generated.

**"Construction/Demolition Waste"**—Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term does not include the following if they are separate from other waste and are used as clean fill:

- (i) Uncontaminated soil, rock, stone, gravel, brick and block, concrete and used asphalt.
- (ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

**"Container"**—A portable device in which waste is held for storage or transportation.

**"County"** -The Butler County Board of Commissioners and/or the Butler County Department of Recycling and Waste Management

**"Department or DEP"** -The Department of Environmental Protection of the Commonwealth and its authorized representatives.

**"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.

**"Facility"**—Land, structures and other appurtenances or improvements where municipal waste disposal, processing or beneficial use is permitted or takes place.

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

**"Incinerator"**—An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and which is equipped with a flue as defined in § 121.1 (relating to definitions).

**"Infectious Waste"**—

(i) General. Municipal and residual waste which is generated in the diagnosis, treatment, immunization or autopsy of human beings or animals, in research pertaining thereto, in the preparation of human or animal remains for interment or cremation, or in the production or testing of biologicals, and which falls under one or more of the following categories:

(A) Cultures and stocks. Cultures and stocks of infectious agents and associated biologicals, including the following: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines except for residue in emptied containers; and culture dishes, assemblies and devices used to conduct diagnostic tests or to transfer, inoculate and mix cultures.

(B) Pathological wastes. Human pathological wastes, including tissues, organs and body parts and body fluids that are removed during surgery, autopsy, other medical procedures or laboratory procedures. The term does not include hair, nails or extracted teeth.

(C) Human blood and body fluid waste.

(I) Liquid waste human blood.

(II) Blood products.

(III) Items saturated or dripping with human blood.

(IV) Items that were saturated or dripping with human blood that are now caked with dried human blood, including serum, plasma and other blood components, which were used or intended for use in patient care, specimen testing or the development of pharmaceuticals.

- (V) Intravenous bags that have been used for blood transfusions.
- (VI) Items, including dialysate that have been in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.
- (VII) Items saturated or dripping with body fluids or caked with dried body fluids from persons during surgery, autopsy, other medical procedures or laboratory procedures.
- (VIII) Specimens of blood products or body fluids, and their containers.
- (D) Animal wastes. Contaminated animal carcasses, body parts, blood, blood products, secretions, excretions and bedding of animals that were known to have been exposed to zoonotic infectious agents or nonzoonotic human pathogens during research (including research in veterinary schools and hospitals), production of biologicals or testing of pharmaceuticals.
- (E) Isolation wastes. Biological wastes and waste contaminated with blood, excretion, exudates or secretions from:
  - (I) Humans who are isolated to protect others from highly virulent diseases.
  - (II) Isolated animals known or suspected to be infected with highly virulent diseases.
- (F) Used sharps. Sharps that have been in contact with infectious agents or that have been used in animal or human patient care or treatment, at medical, research or industrial laboratories.
- (ii) Mixtures.
  - (A) The term also includes materials identified under subparagraph (i) that are mixed with municipal and residual waste, including disposable containers.
  - (B) The term also includes mixtures of materials identified in subparagraph (i) with quantities of radioactive waste not subject to regulation.
- (iii) Exceptions. The term does not include the following:
  - (A) Wastes generated as a result of home self-care.
  - (B) Human corpses, remains and anatomical parts that are intended for interment or cremation, or are donated and used for scientific or medical education, research or treatment.
  - (C) Etiologic agents being transported for purposes other than waste processing or disposal pursuant to the requirements of the United States Department of Transportation (49 CFR 171.1—190), the Department of Transportation (67 Pa. Code Part I) and other applicable shipping requirements.
  - (D) Samples of infectious waste transported offsite by Commonwealth or United States government enforcement personnel during an enforcement proceeding.
  - (E) Body fluids or biologicals which are being transported to or stored at a laboratory prior to laboratory testing.
  - (F) Ash residue from the incineration of materials identified in subparagraphs (i) and (ii) if the incineration was conducted in accordance with § 283.402 (relating to infectious waste monitoring requirements). The ash residue shall be managed as special handling municipal waste.
  - (G) Reusable or recyclable containers or other nondisposable materials, if they are cleaned and disinfected, or if there has been no direct contact between the surface of the container and materials identified in subparagraph (i). Laundry or medical equipment shall be cleaned

and disinfected in accordance with the United States Occupational Safety and Health Administration Requirements in 29 CFR 1910.1030 (relating to blood borne pathogens).

(H) Soiled diapers, which do not contain materials identified in subparagraph (i).

(I) Mixtures of hazardous waste subject to Article VII (relating to hazardous waste management) and materials identified in subparagraph (i) shall be managed as hazardous waste and not infectious waste.

(J) Mixtures of materials identified in subparagraph (i) and regulated radioactive waste shall be managed as radioactive waste in accordance with applicable Commonwealth and Federal statutes and regulations, including, but not limited to, § 236.521 (relating to minimum requirements for classes of waste).

(K) Mixtures of materials identified in subparagraph (i) and chemotherapeutic waste shall be managed as chemotherapeutic waste in accordance with this article.

**"Land Application"**—Agricultural utilization or land reclamation of solid waste. The term does not include the disposal of solid waste in a landfill or disposal impoundment.

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

**"Municipality"** -A county, city, borough, incorporated town, township, home rule municipality or authority created by any of the foregoing.

**"Municipal Waste"** -Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste.

**"Municipal Waste Disposal or Processing Facility"**—A facility using land for disposing or processing 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 or contiguous collection, transportation and storage facilities, closure and postclosure 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.

**"Municipal Waste Landfill"** -A facility that is designed, operated and maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

**"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).

**"Municipal Waste Planning, Recycling and Waste Reduction Act"**—53 P. S. § § 4000.101—4000.1904.

**"Person"** -Any individual, business, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. This term includes the officers and directors of a corporation or other legal entity having officers and directors.

**"Plan"** – The Butler County Municipal Solid Waste Management Plan as amended or modified and as approved by DEP pursuant to Pennsylvania Act 101 and approved by the Board of Butler County Commissioners.

**"Plan Revision"**—A change that affects the contents, terms or conditions of a Department approved plan under the Municipal Waste Planning, Recycling and Waste Reduction Act.

**"Processing Facility"** -Any technology used for the purpose of reducing the volume of municipal waste or any technology used to convert part or all of such materials for off- site reuse including, but not limited to, transfer stations, composting facilities and resource recovery facilities.

**"Recycling"** -The collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed or processed as municipal waste.

**"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 does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**"Residential Septage"**—Liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives only waste or wastewater from humans or household operations. The term includes processed residential septage from a residential septage treatment facility. The term does not include liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

**"Sewage Sludge"**—Liquid or solid sludges and other residues from a municipal sewage collection and treatment system; and liquid or solid sludges and other residues from septic and holding tank pumpings from commercial, institutional or residential establishments. The term includes materials derived from sewage sludge. The term does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings and nonorganic objects from septic and holding tank pumpings.

**“Source Separated Recyclable Materials”**—Materials that are separated from municipal waste at the point of origin for the purpose of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, plastics and other marketable grades of paper.

**“Storage”**—The containment of any waste on a temporary basis in such a manner as not to constitute disposal of the waste. It shall be presumed that the containment of waste in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**“Transfer Facility”**—A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

**“Transporter”** - Any person, firm, partnership, corporation, or public agency who is engaged in the collection and/or transportation of municipal waste and/or recyclables.

**“Yard Waste”**—Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

**“Yard Waste Composting Facility”**—A facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility

**SECTION III. Designation of Disposal Facilities**

Pursuant to the authority granted to the County by Act 101, the County of Butler hereby designates, through Agreements obtained through a competitive proposal process, the following permitted municipal waste landfill facilities to receive all municipal waste generated in the County:

| LANDFILL         | LOCATION / COUNTY | STATE |
|------------------|-------------------|-------|
| Arden            | Washington County | PA    |
| Brunner          | Beaver County     | PA    |
| Carbon Limestone | Mahoning County   | OH    |
| Chestnut Valley  | Fayette County    | PA    |
| Commonwealth     | Schuylkill County | PA    |
| Conestoga        | Berks County      | PA    |
| Hyland           | Allegheny County  | NY    |

|  |                     |   |
|--|---------------------|---|
| Imperial                                   | Allegheny County    | PA  |
| Keystone                                   | Lackawanna County   | PA  |
| McKean                                     | McKean County       | PA  |
| Modern                                     | York County         | PA  |
| Monroeville                                | Allegheny County    | PA  |
| Mostoller                                  | Somerset County     | PA  |
| Northwest                                  | Butler County       | PA  |
| Sandy Run                                  | Bedford County      | PA  |
| Seneca                                     | Butler County       | PA  |
| Valley                                     | Westmoreland County | PA  |
| Veolia - Greentree                         | Elk County          | PA  |
| Wayne Township***                          | Clinton County***   | PA** (previous Contract expires 2-SEP-2019) |
| York County Solid Waste & Refuse Authority | York County         | PA  |

Permitted landfills and/or processing facilities that have not been designated to receive Butler County Municipal Solid Waste shall file a formal petition, on forms provided by the County and found within the Plan, to be considered for designation as a disposal facility. A collector or transporter of municipal waste may file the petition on behalf of a facility. The petition process shall require that the facility meet the same criteria required for original designation in the Plan and its revisions. Fees and costs associated with the petition process and/or any those associated with the subsequent plan revisions required by the petition process will be the sole responsibility of the authorized petitioner whether it be the facility, the collector or the transporter. Such facilities shall not be considered officially designated by the County as a disposal facility until approval of the Plan revision is granted by DEP and a disposal contract is duly executed with the County.

It shall be unlawful for any Person to dump, process, bury or otherwise dispose of municipal waste within Butler County except at facilities approved and permitted by the County and/or by the Department unless excepted elsewhere in this Ordinance, or by other applicable law.

Pursuant to the authority granted to the County by Act 101, the County hereby directs that all municipal waste collected in or transported from the municipalities of Butler County shall be taken to only County designated disposal facilities, except for the following:

1. If, prior to June 12, 1991 (date of approval of the first County Waste Management Plan pursuant to Act 101), a state Authorized and/or County registered hauler/collector shall by contractual arrangement be obligated to transport municipal waste to a disposal facility which is not a designated disposal facility, said collector/hauler shall report the contractual relationship and its duration in writing to the County. Upon expiration of the contract, the hauler/collector shall transport the waste to a County designated disposal facility.
2. If the municipal waste is transported to a permitted transfer station or processing facility with final disposal in County designated disposal facilities(y).
3. Transporters of infectious/chemotherapeutic waste shall be exempted from use of the designated disposal facilities but must provide proof of use of an approved and permitted infectious/chemotherapeutic waste processing/disposal facility to the County.



4. Transporters of sewage sludge shall be exempted from use of the designated disposal facilities if proof of an approved land application or composting facility is provided to the County.
5. Transporters of septage shall be exempted from use of the designated disposal facilities but must provide proof of use of a DEP approved land application or permitted wastewater treatment facility for disposal to the County.
6. Transporters of recyclables shall be exempted from use of the designated disposal facilities but must provide proof to the County that the recyclables are taken to a material recovery processing facility or marketed for end use.

#### **SECTION IV. Registration of Collectors/Transporters**

For Authorized Persons – Notification to County: All Persons Authorized under Pa. Act 90 that collect and/or transport Municipal Waste and/or recyclables generated within Butler County from any residential, public, commercial, industrial or institutional establishment shall submit a copy of Authorization to the County within thirty (30) calendar days of issuance by the state, or within thirty (30) calendar days of the effective date of this Ordinance and shall be issued a Registration to operate within Butler County. All Persons shall notify the County within thirty (30) calendar days if Authorization is cancelled or revoked.

Registration of Non-Authorized Persons - All Persons not Authorized under Pa. Act 90 and collecting and/or transporting municipal waste and/or recyclables generated within Butler County from any residential, public, commercial, industrial or institutional establishment shall obtain a Registration Certificate from the County in accordance with the following provisions.

Registration Exemption: Registration shall not be required of private individuals collecting and removing their own self-generated, residential municipal waste and/or recyclables, or for those Persons or municipalities conducting litter and/or illegal dump cleanups. This exemption shall also apply to informal, organized small charitable, civic and non-profit organizations collecting recyclables for fundraising activities or as part of a community cleanup activity or event. However, waste disposal in a County designated disposal facility or transportation of recyclables to an authorized recycling facility is still required.

- (a) Any non-Authorized person who desires to collect, haul or transport municipal waste and/or recyclables within Butler County shall submit free Registration Application to the County. Upon receipt of the application the County shall, within 30 calendar days, issue or refuse to issue a Registration Certificate to the applicant.
- (b) The Registration Application form, supplied by the County, shall set forth the minimum information required to establish the applicant's qualifications for a collector or hauler Registration Certificate, including all of the following:
  1. The name, address, location, hours of business, and telephone number of the business office of the applicant;
  2. A list of all collection vehicles to be covered under the Registration including the make, model and size of the vehicles;

3. Certificates of insurance showing that the applicant has valid Comprehensive General Liability, Worker's Compensation, and Vehicle Liability Insurances in the minimum amounts required by law;
  4. The type of municipal waste and/or recyclables to be collected and transported;
  5. The municipality or municipalities to be served by the applicant;
  6. The approved disposal site(s) and/or recycling facility(ies) where the waste and/or recyclables will be taken;
  7. The applicant's method of collecting recyclables from commercial and residential accounts;
  8. Proof that the collector or transporter has obtained any and all applicable required license(s);
  9. Any other information, which the County may request and deem necessary prior to issuance of a Registration Certificate.
- (c) Registration applicants shall submit the application at least thirty (30) days before beginning collection and/or transporting of municipal waste and/or recyclables in the County, or within thirty (30) days of the effective date of this Ordinance.
- (d) No Registration shall be approved and issued by the County to any Person who fails to satisfy the minimum standards and requirements of this Ordinance.
- (e) Registration Certificates shall be non-transferable.

**SECTION V. Standards for Collection and Transportation**

All Persons collecting and/or transporting municipal waste and/or recyclables within Butler County shall comply with the following minimum standards and requirements.

- (a) All vehicles used for the collection and transportation of municipal waste shall comply with all applicable regulations of the Commonwealth of Pennsylvania, as well as the County of Butler;
- (b) All collection/transportation vehicles shall bear clear and legible signs identifying the name and business address of the owner and if applicable, the specific type of municipal waste carried by the vehicle. All such signs shall have lettering as required by the Department; County Signage Exemption: The County shall not require this standard of private individuals collecting and removing their own self-generated, residential municipal waste and/or recyclables, or for those Persons or municipalities conducting litter and/or illegal dump cleanups. This exemption shall also apply to informal, organized small charitable, civic and non-profit organizations collecting recyclables for fundraising activities or as part of a community cleanup activity or event;
- (c) Collection and transportation vehicles shall be leak-proof, have safety devices, and shall be suitably enclosed or covered so as to prevent roadside littering; attraction of vectors, or the creation of odors or other nuisances;
- (d) All collection and transportation vehicles conveying municipal waste and/or recyclables shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare;
- (e) All vehicles shall be kept in a clean, sanitary condition;

- (f) In the event a load of waste taken to a County designated disposal facility shall contain hazardous waste or unacceptable waste as determined by the facility operator, the collector/transporter shall remove said waste from the disposal facility, cleanup and remediate any damages resulting from such delivery, and reimburse all costs and damages incurred by the facility and the County resulting from such delivery at his/her own cost, and properly dispose of said waste in a facility designated for that specific type of waste per Department requirements;
- (g) It shall be unlawful for any collector/transporter to dump, process, destroy, bury or otherwise dispose of municipal waste within Butler County except at facilities approved and permitted by the County and the Department, unless exempted elsewhere in this Ordinance or by the Department;
- (h) The vehicle operator and/or title owner shall be responsible for immediately cleaning up any spillage leaks, spills, dusts, or litters on any County Designated Facility, public road, or private property caused by his/her operation at his/her own cost and for protecting private and public property from damage resulting from his/her operations;
- (i) All collection vehicles and equipment used by collectors, transporters and/or haulers shall be subject to inspection by the County or its authorized agent at any reasonable time without prior notification;
- (j) It shall be unlawful for any collector, transporter or hauler to commingle source-separated recyclables and municipal waste, collected from sources located within Butler County in the same vehicle compartment.

**SECTION VI. Reporting and Administration**

All collectors, haulers and/or transporters of municipal waste and/or recyclables shall maintain current records of the customers serviced within the County and shall additionally submit annual reports to the County. Such records shall be made available to the County upon request.

- (a) **Recycling Reports** – Any Person collecting, hauling or transporting recyclables from any residence, business, institution, community activity, social activity, meeting, event, site or celebration located within the County shall prepare and submit complete and accurate reports, on forms provided by the County which shall detail all required information. Said reports shall be submitted to the County on forms provided by the County on a yearly basis and shall be due no later than February 15 for the preceding calendar year. Said reports shall contain the following information, as a minimum, for the preceding year's activities:
  1. The name of each municipality in the County in which service was provided;
  2. Each type of recyclable collected and a reasonable estimate of the total weight of each type of recyclable collected from each municipality listed separately by commercial and residential sources;
  3. The name, location and contact information for the material recovery processing facility or end market used for each type of material transported or collected.
- (b) **Waste Reports** – Any Person collecting, hauling or transporting municipal waste from any resident, business, institution, community activity, social activity, meeting, event, site or celebration located within the County shall prepare and submit complete and

accurate reports, on forms provided by the County which shall detail all required information. Said reports shall be submitted to the County on a yearly basis, due no later than February 15 for the preceding calendar year. Said reports shall contain the following information, as a minimum, for the preceding year's activities:

1. The name of each processing or disposal facility used and the total weight of each type of municipal waste, collected from all sources in the County during the year, disposed in each;
  2. The name of each municipality in the County in which the Person provided service, and a reasonable estimate of the total weight of each type of municipal waste collected from each municipality;
  3. Transporters of demolition wastes shall provide by municipality, the volume and weight of waste and the name, location and permit number of the disposal facility where the waste was disposed;
  4. The transporter of sewage shall provide by municipality, the volume and weight of waste and also the name, location and permit number of the disposal facility or approved land application or composting facility accepting the waste;
  5. Each transporter of infectious/chemotherapeutic waste shall provide by municipality, the disposition of said waste including the volume and weight of waste handled and the name, location and permit number of the disposal or processing facility where the waste was disposed or processed.
- (c) All collectors, transporters and haulers shall be responsible for payment of all disposal and/or processing fees.
- (d) The base fees charged by any collector of residential waste shall provide for the collection of only one thirty (30) gallon container or one thirty (30) gallon disposable plastic bag and unlimited amount of recyclables. For the collection of residential municipal waste in excess of one 30-gallon container/bag, the hauler's rates shall vary from the base fee in specific volume increments based on common container sizes (i.e. 36 gallon, 64 gallon, 96 gallon) or specific number of bags. Purchase of disposable waste containers shall be the responsibility of the resident. Haulers may provide containers as a part of the variable rate service. Separate containers for recyclables shall be provided to the resident at no cost or for a deposit. The hauler shall charge additional fees for the curbside collection of bulk items. Yard waste shall be collected under separate specifications.

#### **SECTION VII. Existing Contracts**

Nothing in this Ordinance shall be construed to impair the obligations of any existing Contract in force prior to June 12, 1991.

No renewal or modification of any existing Contract, and no new Contract shall be entered into after the effective date of this Ordinance unless such renewal or modification or new contract shall conform to the requirements of this Ordinance.

**SECTION VIII. Violation, Injunctive Relief, Penalties, and Enforcement of Ordinance**

It shall be unlawful for any Person to violate, or cause, or assist in the violation of any provisions of this Ordinance, and for Persons to collect and/or transport municipal waste and/or recyclables within Butler County without first securing a Registration to do so in accordance with the provisions of this Ordinance.

1. The generator, the collector, hauler and/or transporter and the person operating the vehicle shall be responsible and accountable for any non-compliance with this Ordinance including reimbursement to the County for any fees and for any and all costs and damages incurred by the County as a result of such violation.
2. In addition to the fees and charges as provided for in this Ordinance, the County may take such other action as it deems to be appropriate and as permitted by law. The County or its designated agency may petition the Court of Common Pleas of Butler County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.
3. Violations of this Ordinance shall result in the following penalties:
  - a.) First Offense: A fine of not less than \$100 and not more than \$300;
  - b.) Second Offense: A fine of not less than \$200 and not more than \$300;
  - c.) Third and Subsequent Offenses: \$300;
  - d.) In default of the payment of such fines and costs, to undergo imprisonment for not more than ten (10) days.
4. The County shall have the right at any time to suspend or revoke the Registration of any collector or hauler for any of the following causes:
  - a. Falsification or misrepresentation of any statements in any Registration application or reports;
  - b. Lapse or cancellation of any required insurance coverages;
  - c. Disposal of any municipal waste collected within the County at any site other than the designated facilities as approved by the Department and included in the Butler County Municipal Solid Waste Management Plan, and under contract with the County;
  - d. Disposal of unacceptable waste at the County's designated disposal facilities;
  - e. Nonpayment of tipping fees at the County's designated facilities;
  - f. Violation of any part of this Ordinance, any other applicable County ordinances or any applicable Pennsylvania laws or regulations.

Each violation of any provision of this Ordinance, and each day that any violation shall exist, shall constitute a separate violation and offense.

**SECTION IX. Severability**

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

**SECTION X: Liability and Indemnity**

The County will not be liable for any actions, errors, or omissions of any (a) contractors, collectors, haulers and/or transporters operating in Butler County, (b) Persons authorized to use or enter County Designated Facilities, or (c) trespassers at County Designated Facilities. All persons proceeding onto County Designated Facilities shall do so at their own risk.

Transporters, collectors and haulers shall indemnify and hold the County of Butler harmless for any cost, damage, loss, or expense incurred by the County, either directly or indirectly, by reason of their acts or omissions including but not limited to any violation of this Ordinance.

**SECTION XI. Conflict**


Any ordinance or any part of any ordinance, which conflicts, with this Ordinance is hereby repealed insofar as the same is specifically inconsistent with this Ordinance.


**SECTION XII. Effective Date**

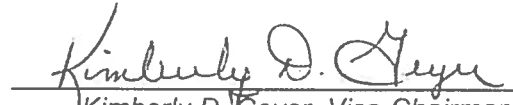
This Ordinance shall take effect on the 16TH day of OCTOBER, 2019.  
ORDAINED AND ENACTED THIS 16TH day of OCTOBER, 2019.

ATTEST:


**County of Butler  
Board of Commissioners**

  
\_\_\_\_\_  
Lori Altman,  
Human Resources Director / Chief Clerk

  
\_\_\_\_\_  
Leslie A. Osché, Chairman

  
\_\_\_\_\_  
Kimberly D. Geyer, Vice-Chairman

SEAL

  
\_\_\_\_\_  
Kevin E. Boozel, M.S., Secretary