

COUNTY OF CENTRE
COMMONWEALTH OF PENNSYLVANIA
AMENDED AND RESTATED
MUNICIPAL WASTE MANAGEMENT ORDINANCE

ORDINANCE NUMBER 3 OF 2003

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 ("Act 101") was approved on July 28, 1988; and

WHEREAS, Act 101 grants the County of Centre, Commonwealth of Pennsylvania (the "County") (a) primary responsibility for planning for municipal waste management within its boundaries, (b) the power and duty to insure the availability of adequate permitted processing and disposal capacity for municipal waste generated within its boundaries, and (c) the primary power to control the flow of municipal waste generated within its boundaries; and

WHEREAS, Act 101 requires the County to prepare and obtain approval of a solid waste management plan within two years of the effective date of Act 101; and

WHEREAS, Section 303 (d) of Act 101 authorizes counties to enter into an agreement with another person, including a municipal authority, pursuant to which that person undertakes to fulfill some or all of a county's responsibilities under Act 101 for municipal waste planning and implementation of the approved county solid waste management plan; and

WHEREAS, Centre County established the Centre County Solid Waste Authority on May 12, 1971, under the provisions of the Municipal Authorities Act, as amended, 53 Pa.C.S. Section 5601; and

WHEREAS, the County and Centre County Solid Waste Authority ("Centre Authority"), in furtherance of the requirements imposed on the County by Act 101, have entered into a number of written agreements which empower and require Centre Authority, inter alia, to fulfill certain duties of the County under Act 101, including assisting the County in the preparation of the "Municipal Waste Management plan 1990",

WHEREAS, the Municipal Waste Management Plan 1990 (the "Plan") has been adopted by the Governing Body of the County, ratified by a majority of the municipalities within the County representing more than one half of the population of the County all in accordance with Section 503 of Act 101, and has been approved by the Pennsylvania Department of Environmental Resources in accordance with Section 505 of Act 101 (the "Approved Plan"); and

WHEREAS, in accordance with the Approved Plan and Act 101, each Municipality (defined herein) within the County (a) will have continuing responsibilities for the collection, transportation, and storage of municipal waste generated within the municipal boundaries and for the regulation, collection and recycling of Source Separated Recyclable Materials and (b) may be subject to certain penalties under Act 101; and

WHEREAS, the County desires as part of its waste management plan to adopt an anti-litter program within the County so as to protect the health, safety, and welfare of its citizens and to encourage respect for the environment; and

WHEREAS, the County desires to undertake the implementation of the Plan with the assistance and participation of Centre Authority; and

WHEREAS, Centre County has a viable for-profit scrap processing and recycling industry, which is not to be impaired, but is to be encouraged as provided under Act 101, §102-(22) and (23) ; and

WHEREAS, the requirements imposed on the County by Act 101, and delegated, in part, to Centre Authority, requires the enactment of a municipal waste management ordinance in furtherance of the municipal waste management objectives set forth in the Approved Plan, and it being in the public interest to adopt a municipal waste management ordinance; and.

WHEREAS, the Centre Authority, in connection with updating the Plan, has recommended that the County adopt this Amended and Restated Municipal Waste Management Ordinance.

NOW, THEREFORE, it is hereby enacted and ordained by the Board of County Commissioners of the County of Centre, Commonwealth of Pennsylvania as follows:

Section 1. Definitions. The following capitalized terms, when used in this Ordinance, shall have the meanings set forth below.

(a) "Act 97". The Solid waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, 35 P.S. §6018.101 et. seq., as now or hereafter amended.

(b) "Act 101". The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, 53 P.S. §4000.101 et. seq. as now or hereafter amended.

(c) "Act 14". Littering Act, Act of March 13, 1990, 75 P.S. §4903 as now or hereafter amended.

(d) "Act 47". Rubbish Scattering Act, Act of May 31, 1990, 18 P.S. §6501 as now or hereafter amended.

(e) "Centre Authority". The Centre County Solid Waste Authority, a municipal authority incorporated by the County and organized and existing under the Municipality Authorities Act, as amended.

(f) "Centre Authority Rules and Regulations". The rules and regulations adopted and revised from time to time by Centre Authority.

(g) "County". The County of Centre, Commonwealth of Pennsylvania.

(h) "Existing Contract". Any contract of any Municipality, for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Source Separated Recyclable Materials generated or located within the County which (i) was legally entered into, (ii) when entered into was legally enforceable, and (iii) was in force on September 26, 1988 or prior to the adoption, pursuant to Act 101, of the Plan, excluding renewals of such contracts.

(i) "Local Litter Program". A program implemented under Act 14 of 1990 by Centre County to reduce litter, encourage recycling, and impose fines for violation of said Act or this ordinance.

(j) "License". A license or permit issued by Centre Authority authorizing the holder to collect, transport or deliver Regulated Municipal Waste, and Municipal Waste to a Municipal Waste Facility, or any other solid waste storage, collection, transfer, processing, or disposal facility or site within or outside the County.

(k) "Municipal Waste Facility". Any municipal waste storage, collection, transfer, processing or disposal facility or site (i) constructed, owned, or operated by or on behalf of Centre Authority or (ii) which may be utilized by County residents and business institutions, pursuant to contracts between the facility and Centre Authority, (iii) which is located outside the Commonwealth and is designated in the Approved Plan or otherwise authorized in writing by the Centre Authority to accept Centre County municipal waste, or (iv) to which Municipal Waste may be delivered in accordance with the Centre Authority Rules and Regulations. This term shall include the plural form.

(l) "Municipal Waste". Municipal Waste as defined in Section 103 of Act 101, as amended and/or supplemented by Department of Environmental Resources Rules and Regulations. Municipal Waste shall include the terms litter and rubbish.

(m) "Municipality". A County, City, Borough, incorporated town, township or Home Rule Municipality.

(n) "Person". Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In connection with any provisions of this Ordinance prescribing a fine, penalty, imprisonment, denial or grant of any license, or any combination of the foregoing, the term "Person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

(o) "Plan" or "Approved Plan". The Centre County Waste Management Plan of 1990, as now approved and hereafter amended.

(p) "Recycling". The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the creation of energy.

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

(r) "Regulated Municipal Waste". Any Municipal Waste generated or collected within the County or any Municipal Waste brought into the County.

(s) "Source Separated Recyclable Materials". Materials generated or collected within the County that (i) are separated from regulated Municipal Waste at the point of origin for the purpose of recycling in accordance with the Plan and (ii) are recycled. This term shall include the singular form.

(t) "System". The overall solid waste management system, and every aspect thereof, owned or operated or utilized by or on behalf of Centre Authority in implementation of the Plan, including without limitation, equipment, vehicles, offices, staff, transfer stations, landfills and the like.

Section 2. Amended and Restated Ordinance. This ordinance shall constitute an amended and restated municipal waste management ordinance which replaces and supercedes Centre County, Pennsylvania ordinance #2 of 1991.

Section 3. Implementation. Centre County shall have the power and its duty shall be to implement the Plan and this Ordinance. The County may delegate to Centre Authority, from time to time, by written agreement or resolution accepted by Centre Authority, any power, duty or authority County possesses under law, the Plan, or this Ordinance.

Section 4. Waste Flow Control. All Regulated Municipal Waste shall be transported to and delivered to a Municipal Waste Facility designated by the Centre Authority from time to time. No person shall transport or deliver, or cause to be transported or delivered, Regulated Municipal Waste to a solid waste processing or disposal facility other than a Municipal Waste Facility unless such transport or delivery is expressly provided for in the approved Plan or otherwise authorized in writing by the Centre Authority.

Section 5. Licensing.

(a) No Person unless holding a License, or otherwise authorized in writing by Centre Authority, shall store, collect, transport, process, or dispose of Regulated Municipal Waste.

(b) No Person who generates, owns or possesses Regulated Municipal Waste shall, by contract for collection services or otherwise, cause, permit or assist in the

storage, collection, transportation, processing or disposal of any Regulated Municipal Waste by any Person who does not hold a License, or is not otherwise authorized in writing by the Centre Authority.

(c) Notwithstanding the provisions of Section 5(a) and Section 5(b) above, Centre Authority shall establish Rules and Regulations for the storage, collection, and transportation of Regulated Municipal Waste to a Municipal Waste Facility.

(d) No Person, unless holding a License, or otherwise authorized in writing by Centre Authority, shall process or dispose of Municipal Waste generated or collected outside the County at a Municipal Waste Facility located within the County.

(e) All Municipal Waste generated within any County other than Centre County shall be transported or delivered within Centre County pursuant to the Rules and Regulations of Centre Authority.

Section 6. Centre Authority Rules and Regulations

(a) In order to carry forth the powers and its duties to implement the Plan and this Ordinance, Centre Authority shall have the power in its discretion to adopt and enforce Centre Authority Rules and Regulations, but only after due notice as required by Section 16 of this Ordinance.

(b) Centre Authority Rules and Regulations shall be consistent with the approved Centre County Waste Solid Management Plan and the Municipal Waste Management Ordinance, and at a minimum:

(i) identify those categories of materials from Regulated Municipal Waste which shall be subject to site designation;

(ii) identify the Municipal Waste Facility for each selected category of Regulated Municipal Waste upon a municipality-by-municipality basis or upon a hauler-by-hauler basis, or upon some other reasonable basis;

(iii) specify such predisposal processing, separation or other requirements as are deemed necessary or convenient for the protection of public health and safety and the efficient, effective, reliable and safe operation of a Municipal Waste Facility, and the System;

(iv) govern the issuance, administration and revocation of licenses, application procedures, fees, standards and conditions for licenses, record and reporting requirements, license display requirements, equipment and vehicle requirements, and any other matters deemed necessary or convenient by Centre Authority for the protection of public health and safety and the efficient, effective, reliable and safe operation of a Facility and the System, which authority shall include; without limitation:

(A) withholding, suspending or revoking licenses; and

(B) establishing fees for use of the System; and

(C) establishing fees and penalties for violations of Centre Authority Rules and Regulations (which fees and penalties may be established as determined by Centre Authority in an amount designed to protect the public health and safety of the System and to compensate Centre Authority for the costs, damages and lost revenues related to any such violation);

(v) Identify areas of operation and customers of licensed haulers who operate within or outside Centre County to assure compliance with Act 101 and this Ordinance;

(vi) set forth operating procedures for any Municipal Waste Facility operated by Centre Authority;

(vii) set forth the implementation of a County recycling program of such scope as shall be set forth therein;

(viii) prohibit the dumping of Regulated Municipal Waste or any Municipal Waste as defined by Act 101 at any site or location not authorized as a Municipal Waste Facility by the Centre County Municipal Waste Plan, or as otherwise authorized in writing by the Centre Authority;

(ix) regulate and license the collectors and haulers of septage extracted from on-site sewage systems, portable toilets, holding tanks and small sewage treatment plants, as well as the method of disposal and sites used for the disposal of septage; and

(x) assist in the enforcement of anti-littering and anti-rubbish scattering statutes, ordinances, rules and regulations.

(c) Centre Authority Rules and Regulations shall ensure the efficient, effective, reliable and safe operation of the System. All fees shall be reasonable and uniform, provided, however, that different fees may be charged for:

(i) different categories of Regulated Municipal Waste as established by Centre Authority;

(ii) different points of entry into the System;

(iii) Split Delivery and Direct Delivery

(a) Contracted waste may be delivered directly to a municipal waste facility in or without Centre County by haulers in accordance with rules and regulations promulgated by Centre Authority. The term "delivered directly" means that Municipal Waste is delivered to a municipal waste facility without first being delivered to a Centre County Solid Waste Authority Transfer Station for subsequent delivery to a Municipal Waste Facility.

(b) Municipal waste delivered directly to the Municipal Waste Facility in or without Centre County by a hauler authorized by Centre Authority who has met the rules and regulations of Centre Authority shall be billed by Centre Authority and shall pay the disposal fee as established by Centre Authority.

Each hauler who collects contracted municipal waste in Centre County and any neighboring county who elects to deliver municipal waste collected in Centre County directly to the Municipal Waste Facility shall be required not less than forty-five (45) days prior to the first day of the next business year to declare to Centre Authority, based upon Centre Authority's Rules and Regulations, the percentage of municipal waste to be collected from each county.

Section 7. Existing Contracts.

(a) Nothing in this Ordinance shall be construed to impair the obligations of any Existing Contracts.

(b) No renewal or modification of any Existing Contracts, and no new contract of any Municipality for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste shall be entered into after the effective date of

this Ordinance unless such renewal, modification, or new contract shall be approved by Centre Authority and shall conform to the requirements of the Plan, this Ordinance and all Centre Authority Rules and Regulations.

Section 8. Recycling.

(a) Any provision in this Ordinance relating to Recycling, a Recycling Facility, or Source Separated Recyclable Materials shall be applicable only in the event the County, or Centre Authority on behalf of the County, institutes a Centre County recycling program in accordance with the provisions of Section 303(a)(4) of Act 101.

(b) This Ordinance shall constitute an ordinance authorizing a County recycling program to be implemented in such manner as Centre Authority shall include in the Centre Authority Rules and Regulations. Neither this Ordinance nor any recycling program implemented in the Centre Authority Rules and Regulations shall interfere with any Municipality's recycling program authorized pursuant to Section 1501 of Act 101.

(c) Centre Authority may implement a recycling fee schedule for the collection, processing, and recycling activities provided for by this Ordinance.

Section 9. No Additional Facilities. No additional municipal waste landfills, incinerators, waste disposal facility, processing facility, resource recovery facility, recycling facility, or facilities of similar nature shall be located within the County unless such facility is provided for in the Plan or approved by Centre Authority.

Section 10. Littering. In order to end the objectionable practice of littering the countryside, and to eliminate health and sanitation problems due to improper disposition of litter, it shall be unlawful for any person, whether or not licensed to collect and transport municipal waste within or without Centre County, to store, process, or dispose of municipal waste, residual waste, construction waste, and/or industrial waste at any place other than in an approved or designated location as provided by law.

Section 11. Unlawful Activity. It shall be unlawful for any person to store, collect, transport, process, or dispose of Regulated Municipal Waste, except in accordance with the provisions of this ordinance or the Rules and Regulations of Centre Authority. It shall be unlawful for any Person to violate, or cause, permit, or assist in the violation of any provision of this Ordinance or any provision of Centre Authority Rules and Regulations. All unlawful conduct shall also constitute a public nuisance and may be abated as such.

Section 12. Penalty. Any Person violating any provision of this Ordinance, or any provision of the Centre Authority Rules and Regulations, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine not exceeding \$1,000 and costs of prosecution or to undergo imprisonment in the County prison for a period not to exceed thirty (30) days, or both. Each violation of any provision of this Ordinance or of any provision of the Centre Authority Rules and

Regulations, and each day that such a violation shall exist, shall constitute a separate violation and offense and may be punishable as a separate violation.

Section 13. Enforcement and Prosecution.

(a) Centre Authority or its designee shall administer and enforce (i) the provisions of this Ordinance and (ii) the provisions of Centre Authority Rules and Regulations.

(b) In the event Centre Authority shall be unable or unwilling to carry forth its obligations under Section 13(a) above, the County or its designee shall administer and enforce the provisions of this Ordinance.

Section 14. Injunctive Relief. In addition to any other remedy provided in this Ordinance, the County or Centre Authority may jointly or severally institute proceedings to restrain any violation of, or to require compliance with, this Ordinance, Centre Authority Rules and Regulations, and/or the Plan.

Section 15. Concurrent Remedies. The penalties and remedies set forth in this Ordinance are in addition to, not in lieu of, any fines, penalties or remedies provided in Centre Authority Rules and Regulations. The existence or exercise of any remedy shall not prevent the County or Centre Authority from exercising any other remedy (a) provided under (i) this Ordinance or (ii) Centre Authority Rules or Regulations or (b) available at law or equity.

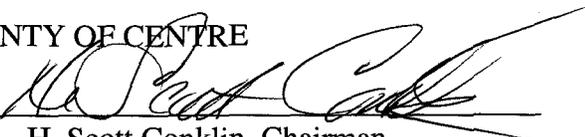
Section 16. Notice. At least thirty (30) days prior to the effective date of any Centre Authority Rules and Regulations, Centre Authority shall (a) forward a copy of proposed Centre Authority Rules and Regulations to the County and to each Municipality, and to all haulers known to Centre Authority to operate within the County, and (b) publish in a newspaper of general circulation within the County a notice that a copy of proposed Centre Authority Rules and Regulations are available for public review and comment.

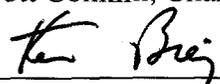
Section 17. Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any Person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance.

Section 18. Effective Date. This Ordinance shall become effective in accordance with applicable law.

Enacted and ordained this 23rd day of December, 2003.

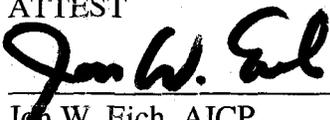
COUNTY OF CENTRE

By: 
H. Scott Conklin, Chairman

By: 
Keith Bierly, Commissioner

By: 
Connie E. Lucas, Commissioner

ATTEST


Jon W. Eich, AICP
Director of Administrative Services