

ORDINANCE NO. 2-1990

AN ORDINANCE OF THE TOWNSHIP
OF NORTH UNION, ESTABLISHING A WASTE
MANAGEMENT PROGRAM AND PROVIDING FOR
THE PROMULGATION OF REGULATIONS THERE-
UNDER TO ALLEVIATE EXCESSIVE-WASTE
RELATED PROBLEMS THROUGH MANDATORY
RECYCLING AND OTHER MEASURES NECESSARY
TO ACHIEVE THE LEGISLATIVE PURPOSE
AND GOALS.

WHEREAS, second class Townships have the power to regulate the collection and disposal of solid waste pursuant to the Second Class Township Code, 1933, May 1, P.L. 103, et seq., as amended (53 P.S. 65708); and

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act 101, July 28, 1988, Section 1501, et seq., mandates the implementation of a source - separation and collection program for recyclable materials (53 P.S. 4000.101 et seq.); and

WHEREAS, it is the desire of North Union Township to fully comply with said laws:

NOW THEREFORE, be it Ordained and Enacted, by the Board of Supervisors of North Union Township, Fayette County, Pennsylvania and it is hereby so Enacted and Ordained, by the Authority aforesaid, as follows:

ARTICLE I. **SHORT TITLE:** This Ordinance shall be known and may be cited as the North Union Township Recycling Ordinance.

ARTICLE II. **DECLARATION OF POLICY:** The purpose and goals of this Ordinance are declared to be:

- A. To conserve natural resources and generate energy through waste reduction and recycling;
- B. To protect the public health, safety and welfare;
- C. To utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive recycling program.
- D. To establish and implement within the Township of North Union, a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at

municipal waste processing or disposal facilities.

E. To recycle at least 25% of all municipal waste and source-separated recyclable materials generated in North Union Township on and after January 1, 1997.

F. To reduce the per capita weight or volume of waste, generated in North Union Township, by the year 1997.

G. To educate the general public in North Union Township, on the benefits of recycling and waste reduction and thereby promote participation in said Program.

H. For the Township itself to set an example, so far as is practicable, by the use of recyclable and recycled materials.

ARTICLE III. DEFINITIONS: The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

BOARD: The word "Board", as used in this Ordinance, shall mean the Board of Supervisors of North Union Township, Fayette County, Pennsylvania, unless a contrary meaning is clearly indicated herein.

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.

MATERIAL: As used herein, the term "Material", shall include: clear glass; colored glass; aluminum; steel and bimetallic cans; high-grade office paper; newsprint; corrugated paper; and other matter that may from time to time be formally added to this definition. Some materials may be further defined in this Ordinance.

MUNICIPAL WASTE: Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL: Any facility that is designed, operated

or maintained for the disposal of municipal wastes, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act. The term does 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.

OPERATOR: A person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Ordinance.

PERSON: Any individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, 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.

The term "Person" shall exclude minors. The parent or parents, Guardian, Custodian or person standing in loco parentis, shall be the person liable for the proper disposition of such minor's waste, within the meaning of this Ordinance, and likewise liable for such minor's violation of this Ordinance.

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

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

RESOURCE RECOVERY FACILITY: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste.
- D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous waste, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

SOLID WASTE MANAGEMENT ACT: The act of July 7, 1980 (P. L.380, No. 97).

SOURCE-SEPARATED RECYCLABLE MATERIALS: Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

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 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TOWNSHIP: Unless clearly indicated otherwise, the word "Township" as used herein, shall mean North Union Township, Fayette County, Pennsylvania.

TRANSPORTATION: The offsite removal of any municipal waste at any time after generation.

WASTE REDUCTION: Design, manufacture or use of a product to minimize weight of municipal waste that requires processing or disposal, including, but not limited to:

- A. Design or manufacturing activities which minimize the weight or volume of materials contained in a product, or increase durability or recyclability; and

- B. Use of products that contain as little material as possible, are capable of being reused or recycled or have an extended useful life.

ARTICLE IV. POWERS, DUTIES AND RESPONSIBILITIES OF THE TOWNSHIP OF NORTH UNION.

A. RESPONSIBILITIES: North Union Township shall have the power and its duty shall be to assure the proper and adequate transportation, collection and storage of municipal waste which is generated or present within its boundaries, to assure adequate capacity for the disposal of municipal waste generated within its boundaries by means of the procedures set forth in the Municipal Waste Planning, Recycling and Waste Reduction Act and to adopt and implement a program for the collection and recycling of municipal waste or source-separated recyclable materials as provided in this Ordinance.

B. POWERS: In carrying out its duties under this Ordinance, the Board of Supervisors of North Union Township may adopt resolutions establishing procedures, regulations and standards for the recycling, transportation, storage and collection of municipal wastes, or source-separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and the Regulations promulgated pursuant thereto.

C. DUTIES: The Township shall implement the provisions of this Ordinance by collecting, transporting processing or marketing, source separated materials; or contracting, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection and storage of municipal waste and source-separated recyclable materials, if the recycling, transportation, collection or storage activity or facility is conducted or operated in a manner that is consistent with the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, this Ordinance and the regulations promulgated pursuant thereto. Any such person shall be jointly and severally responsible with North Union Township for carrying out such contract for the transportation, collection, processing or marketing of materials under this Article.

ARTICLE V. NORTH UNION TOWNSHIP RECYCLING PROGRAM. The Township of North Union hereby establishes and implements a source separation and collection program for recyclable materials in accordance with Section 1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act, as follows:

A. Persons are hereby required to separate three (3) materials, deemed appropriate by the Township, and hereinafter designated, from other municipal waste generated at their homes,

apartments and other residential establishments and to store each material until collection. The three (3) materials shall be designated periodically from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics and other matter that may from time to time be formally added. Nothing in this Ordinance shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection, in approved containers. The initial three (3) materials to be recycled are hereby designated as: clear glass; colored glass; and aluminum cans.

This subdivision as well as other portions of this Ordinance, may be amended and/or implemented by appropriate Resolutions or Regulations of the Township.

B. Persons are hereby required to separate the three materials designated herein and other material deemed appropriate, generated at commercial, municipal or institutional establishments and from community activities, and to store the material until collection. The Board of Supervisors of North Union Township shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the requirements of this Ordinance if those persons have otherwise provided for the recycling of materials they are required by this Ordinance to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must, annually, apply for a permit to do so and pay a fee established pursuant to Resolution, and provide written documentation to the Township of the total number of tons recycled or estimated to be recycled.

C. The designated separated materials are hereby required to be placed at the curbside or a similar location in approved containers for collection at least once a month and a collection charge may be billed to each dwelling unit or other designated waste source, within the Township of North Union, according to procedures established by the Board of Supervisors.

Additional materials, including but not limited to: plastics; newsprint; high grade office paper; corrugated paper; and leaf waste; may also from time to time, be included as designated materials under this Ordinance, by appropriate action of the Township.

D. Recyclable materials shall be collected from curbside or similar locations designated by Resolution, at least once per month from each residence or other person generating municipal waste in the Township of North Union.

E. North Union Township may solicit bids and award contracts for the sale of collected materials for recycling giving preferential consideration, for the collection, marketing and disposition of recyclable materials, to persons engaged in the business of recycling on the effective date of this Ordinance.

ARTICLE VI. PUBLIC NOTICE. The Township of North Union in conjunction with other Municipalities shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As a part of this program, the Secretary of the Township of North Union shall, at least thirty (30) days prior to the initiation of the recycling program and at least once every six (6) months thereafter, notify all persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of this Ordinance. The Secretary of the Township of North Union, shall as he or she deems necessary and appropriate, place an advertisement in a newspaper circulating in the Uniontown area, post such notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers or utilize any combination of the foregoing.

ARTICLE VII. RECYCLING BY OPERATOR. An operator of a landfill or resource recovery facility may contract with the Township to provide recycling services as determined from time to time by Resolution of the Board of Supervisors of North Union Township. The contract must ensure that a least twenty-five (25%) percent of the waste received is recycled; provided that the economic and environmental impact of the proposed technology used for the recycling receives prior approval from the Pennsylvania Department of Environmental Resources.

ARTICLE VIII. DROP-OFF CENTERS. Persons who operate a municipal waste landfill, resource recovery facility or transfer station under contract with the Township shall establish at least one drop-off center at a location, designated by the Township by Resolution of the Board of Supervisors of the Township, for the collection and sale of the three designated recyclable materials, to be deposited by persons from North Union Township, and for such other materials as may from time to time, be designated by the Board.

The center must be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility. Each drop-off center must contain bins or containers where

recyclable materials may be placed or temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight hours per week, including four hours during evenings or weekends, pursuant to a schedule established by the Township.

Each operator of a center, shall, at least thirty (30) days prior to the initiation of the drop-off center program and at least once every six months thereafter, provide public notice of the availability of the drop-off center. Said operator shall place an advertisement in a newspaper circulating in the Uniontown area or provide notice in another manner approved by the Board.

ARTICLE IX. ANNUAL REPORT. On or before February 15, of each year, the Secretary of North Union Township shall submit a report to Fayette County which shall describe the weight or volume of materials from the Township, that were recycled by the North Union Township recycling program in the preceding calendar year.

ARTICLE X. CRIMINAL PENALTIES. North Union Township hereby adopts the criminal penalties promulgated by Section 1705 of the Municipal Waste Planning, Recycling and Waste Reduction Act, as aforesaid, for violation of any provision, of said Act, of this Ordinance or any Resolution, Regulation or Plan promulgated, passed, enacted or approved by said Township, which criminal penalties, inter alia, range from a low of \$100.00 to \$1,000.00 plus costs or 30 days in jail for conviction in a summary proceeding; to a high of \$2,500.00 to \$25,000.00 or 2 years imprisonment, for a subsequent conviction of a misdemeanor of the second degree.

ARTICLE XI. REPEALER. All North Union Township Ordinances, Resolutions, regulations or parts of the same, which are inconsistent with this Ordinance, are hereby repealed, rescinded and declared null and void, to the extent that they are inconsistent with this Ordinance.

ARTICLE XII. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of North Union Township that this Ordinance would have been adopted with the same effect and as if such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

ARTICLE XIII. CONSTRUCTION.

A. The terms and provisions of this Ordinance are to be liberally construed, so as to best achieve the Purpose and Goals of the same.

B. This Ordinance shall be construed in pari materia with the Solid Waste Management Act, any related laws of the Commonwealth of Pennsylvania,

and all related Ordinances of North Union Township.

C. The use of any single gender pronoun (he, she, it) herein, shall be deemed to include the other genders, when appropriate, as applied to the person or entity concerned.

D. The use of the singular form shall be deemed to include the plural and the use of the plural, shall be deemed to include the singular, unless the context clearly indicates otherwise.

E. As used herein, all words, except those specifically defined, shall have their common, ordinary, meaning, unless the context clearly indicates otherwise.

ARTICLE XIV. This Ordinance shall take effect five (5) days after Enactment.

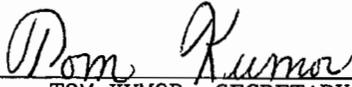
ENACTED AND ORDAINED this 30th day of April, 1990.



JOHN MATEOSKY, CHAIRMAN



CARMEN GALDERISI, TREASURER



TOM KUMOR, SECRETARY



SECRETARY

**NORTH UNION TOWNSHIP
FAYETTE COUNTY, PENNSYLVANIA
AMENDMENT TO ORDINANCE NO. 2-1990
AS OF APRIL 9, 2013**

THIS IS AN AMENDMENT TO THE ORDINANCE OF THE TOWNSHIP OF NORTH UNION ESTABLISHING A WASTE MANAGEMENT PROGRAM AND PROVIDING FOR THE TIME FOR THE PROMULGATION OF REGULATIONS THEREUNDER TO ALLEVIATE EXCESSIVE WASTE RELATED PROBLEMS THROUGH MANDATORY RECYCLING AND OTHER MEASURES NECESSARY TO ACHIEVE THE LEGISLATIVE PURPOSE AND GOALS. THIS AMENDMENT TO UPDATE AND REVISE IS IN COMPLIANCE WITH PENNSYLVANIA LAW.

WHEREAS, a Second Class Township has the power to regulate, collect and dispose of solid waste pursuant to the Second Class Township Code, 1933 May 1, P.L. 103, et seq., as amended (53 P.S. Section 65708); and

WHEREAS, North Union Township is hereby readopting the original provisions of Ordinance No. 2-1990 as enacted on April 30, 1990 and incorporating the following amendments and revisions to comply with Pennsylvania Law.

NOW THEREFORE, it is **ORDAINED** and **ENACTED** by the Board of Supervisors of North Union Township, Fayette County, Pennsylvania as follows:

ARTICLE I. **SHORT TITLE.** Readopted in full.

ARTICLE II. **DECLARATION OF POLICY.** Readopted in full.

ARTICLE III. **DEFINITIONS.** Readopted in full with additions:

LEAF WASTE: Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings (pursuant to 53 P.S. Section 400.103).

PERSON: Readopted in full and shall include any member of a limited liability corporation, limited liability partnership or any similar legal organization.

ARTICLE IV. **POWERS, DUTIES AND RESPONSIBILITIES OF THE TOWNSHIP OF NORTH UNION.** Readopted in full.

ARTICLE V. **NORTH UNION TOWNSHIP RECYCLING PROGRAM.**
Readopted in full with addition:

Paragraph F. The residents of North Union Township shall separate leaf waste and maintain same in a separate container from municipal waste.

ARTICLE VI. **PUBLIC NOTICE.** Readopted in full with addition:

North Union Township Supervisors hereby establish a spring clean-up for leaf waste collection which shall occur during the regular day for solid waste collection during the first week of April on a yearly basis. North Union Township Supervisors hereby establish a fall clean-up for leaf waste collection which shall occur during the regular day for solid waste collection during the last week of November on a

yearly basis. The North Union Township drop-off site for leaf waste collection shall remain open for deposit of leaf waste during regular business hours of the Township, to wit: 8:00 o'clock a.m. until 3:00 o'clock p.m. Monday through Friday, except for holidays when the drop-off location will be closed.

ARTICLE VII. RECYCLING BY OPERATOR. Readopted in full.

ARTICLE VIII. DROP-OFF CENTERS. Readopted in full with addition:

Hours of operation shall be established from time to time by the North Union Township Supervisors. Commercial organizations, business organizations, and other entities are prohibited from drop-off at the center unless they obtain written approval from the Township Supervisors with a written permit and a drop-off fee paid in full which fee will be \$100.00 per load or as adjusted and established from time to time by the Township Supervisors.

ARTICLE IX. ANNUAL REPORT. Readopted in full.

ARTICLE X. CRIMINAL PENALTIES. Readopted in full with addition:

Each violation for each separate day and each violation of any provision of this Act or any regulation, ordinance or resolution promulgated thereunder shall constitute a separate offense under the Ordinance with the penalty to be imposed as set forth herein or as revised from time to time by Pennsylvania Law.

ARTICLE XI. REPEALER. Readopted in full.

ARTICLE XII. SEVERABILITY. Readopted in full.

ARTICLE XIII. CONSTRUCTION. Readopted in full.

ARTICLE XIV. This Amendment to Ordinance No. 2-1990 is hereby enacted and readopted in full as amended and modified with the provisions set forth herein and shall take effect five (5) days after enactment.

ENACTED and ORDAINED this 9th day of April, 2013.

NORTH UNION TOWNSHIP SUPERVISORS

By: Thomas Kumor
Thomas Kumor, Chairman

By: Robert Tupta
Robert Tupta, Vice-Chairman/Treasurer

ATTEST:

Curtis Matthews
Curtis Matthews, Secretary

(SEAL)

I, the undersigned, Secretary of North Union Township, hereby certify that the within is a true and accurate copy of the Amendment to Ordinance No. 2-1990 enacted by the North Union Township Supervisors by unanimous vote of the North Union Township Supervisors at a regular meeting held on the 9th day of April, 2013.

Curtis Matthews
Curtis Matthews, Secretary

TO: North Union Township Supervisors
7 South Evans Station Road
Lemont Furnace, PA 15456

RECEIPT

I, Barry R. Blaine, Librarian, Fayette County Law Library, Courthouse, Uniontown, Fayette County, Pennsylvania, hereby acknowledge receipt of an attested copy of the North Union Township Supervisors Amendment to Ordinance No. 2-1990 (Ordinance relative to the Waste Management Program), which was enacted by the Board of Supervisors of North Union Township, Fayette County, Pennsylvania, on April 9, 2013.

I further acknowledge that said Amendment to Ordinance No. 2-1990 was supplied to the Fayette County Law Library by the Board of Supervisors of North Union Township to be filed in the Fayette County Law Library in accordance with the provisions of the Law of the Commonwealth of Pennsylvania, as set forth at 52 P.S. § 65741, which provides that an attested copy of an Ordinance must be filed in the County Law Library in such cases where the full text of the Ordinance is not included in the Public Notice of the Board of Supervisors' intention to adopt the Ordinance.

I further acknowledge that the above recited Amendment to Ordinance No. 2-1990 has been filed in the Fayette County Law Library and is available for review and inspection.

DATED this 15th day of APRIL, 2013.

WITNESS:

Barbara Pasqua

FAYETTE COUNTY LAW LIBRARY

By: Barry R. Blaine
Barry R. Blaine, Librarian