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**SUSQUEHANNA COUNTY
MUNICIPAL SOLID WASTE HAULER ORDINANCE**

ORDINANCE NO. 94-002
COUNTY OF SUSQUEHANNA, PENNSYLVANIA

An Ordinance of the County of Susquehanna, Pennsylvania, establishing a license program for all persons and firms that collect and transport municipal waste generated from sources located in Susquehanna County and providing penalties for violation of this Ordinance.

WHEREAS, the Board of County Commissioners have adopted and approved the Solid Waste Management Plan for Susquehanna County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (hereinafter "ACT 101"), and said plan has been duly ratified by the municipalities in the County; and,

WHEREAS, it is the intent of the County to implement the plan; and

WHEREAS, the County has the power and duty to adopt any such ordinances deemed necessary to implement this plan by the authority vested to the County pursuant to Section 303 of Act 101, including requirements that all persons obtain licenses to collect and transport municipal solid waste (MSW) subject to the plan to a municipal solid waste processing and/or disposal facility (the "Facility") designated by the County pursuant to Subsection 303(e) of Act 101; and

WHEREAS, the County has enacted a Wasteflow Control Ordinance No. 92-001, which together with the Solid Waste

Management Plan and this Ordinance, is a part of the County's organized effort for management of its' solid waste;

Now, THEREFORE, it is hereby enacted and ordained by the County of Susquehanna, as follows:

ARTICLE I
BACKGROUND

Section 101. Purpose

101.01 The purpose of this Ordinance shall be to protect the municipalities, the solid waste haulers and the business and industrial solid waste generators within Susquehanna County by requiring that all solid waste haulers in the County obtain a county license. Vehicles of licensed haulers will be identified using a County sticker provided by the County. It is also the intent to establish through the County sticker a way to recognize legitimate professional commercial solid waste haulers as a protection to the citizens and municipalities to assure approved ultimate waste disposal.

It is further the intent to encourage recycling, by citizens and municipalities, of materials which would otherwise be disposed as waste; to insure that licensed commercial haulers participate in that effort; and to promote without undue restriction the control by municipalities of solid waste and recycling materials generated within their boundaries.

Section 102. Scope

102.01 This license and County sticker requirement shall apply to all haulers that collect and transport municipal solid waste generated in Susquehanna County. Fee requirements of this ordinance are hereby waived for collection vehicles directly operated by Susquehanna County municipalities. This Ordinance does not pertain to any private citizen hauling his or her own waste materials directly to the facilities without the intervention of a municipal waste collector or transporter. This Ordinance does not authorize the County to assume responsibility for collection operations or control of hauler routes. Licensing shall not be unreasonably withheld from any qualifying hauler, nor used to restrict competition.

Section 103. Authority

103.01 This Ordinance is established by authority of the Pennsylvania Solid Waste Management Act (Act 97), Act 101 of 1988 and its amendments thereto including the rules and regulations promulgated by the PA Department of Environmental Resources and authorized by the municipalities through implementation of Municipal Waste Flow Control Ordinances. This Ordinance and revisions hereto may be adopted only by the Board of Susquehanna County Commissioners. All other provisions will remain in effect.

Section 104. Applicability

104.01 The license and sticker requirement does apply to all haulers of waste materials, including septage and sludge, at the solid waste disposal facilities designated in the Susquehanna County Solid Waste Management Plan. Following are the rules pertaining to municipal waste hauling.

Section 105. Definitions

105.01 The definitions as set forth in Section 1 of the Wasteflow Control Ordinance No. 92-001 are hereby incorporated herein by reference thereto. In addition, "hauler" means any person, company, partnership or corporation which engages in the collection or transportation of solid waste in Susquehanna County for compensation or consideration.

ARTICLE II

PROCEDURE

Section 201. Requirements

201.01 All requirements for solid waste collection and transportation as outlined in the Municipal Solid Waste Rules and Regulations of 1988, Act 101 and Act 97 are required conditions for a hauler to obtain and maintain hauler licenses.

201.02 As an additional condition for a hauler to obtain and maintain hauler licensing under this Ordinance, each hauler shall comply with the following recycling requirements:

a. All haulers contracting with households or commercial establishments for collection of solid waste in the County shall offer recycling services to those customers.

b. Such recycling services shall include collection of recyclables at least once monthly, in the same manner and at the same locations as municipal waste is collected from each such customer.

c. Materials to be collected as recyclables shall include at least all such materials as may from time to time be announced

Center.

d. Recyclables collected under this section shall be taken to the Susquehanna County Recycling Center or any other state authorized recycling facility, but shall not be disposed as waste.

e. Haulers may charge a reasonable fee for recycling services under this section, provided that such fee is less than the fee charged by that hauler to the same customer for collection of similar quantities of municipal waste.

Section 202. License Application

202.01 License application forms will be available upon request from Susquehanna County. Forms may be secured by writing to Susquehanna County Solid Waste Department or such other place as the County may from time-to-time designate in writing. Hauler must be in compliance with all DER regulations at all times, in order to obtain and maintain licensure under this Ordinance.

Section 203. Insurance

203.01 Each hauler must carry a minimum of \$300,000 single limit general liability insurance, including contractual coverage on each vehicle licensed under this agreement, with an insurer acceptable to the County. Each hauler shall provide the County, upon request, a certificate of such insurance.

Section 204. Liability and Indemnity

204.01 Liability. The County will not be liable to any person with respect to any personal injury or death of any person, or for loss or damage to any property arising out of any actions, errors or omissions of any person or persons authorized to use County-designated facilities. All persons proceeding onto County-designated facilities, do so at their own risk.

204.02 Indemnity Each generator and each hauler shall protect and indemnify the County, and hold it harmless, from and against all liabilities, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions incurred by the County, directly or indirectly, and all reasonable attorneys' fees of the County, with respect to any personal injury or death of any person or for loss or damage to any property, arising out of (a) the acts of omissions of such generator or hauler, whether or not negligent, with respect to the storage, recycling, collection, transportation or disposal of municipal waste, or (b) the violation by such generator or hauler of the County's Municipal Waste Management and Licensing Ordinance.

Section 205. Fee

205.01 Fee for licensure and County stickers shall be determined by resolution of the Board of County Commissioners and shall be payable to Susquehanna County Treasurer.

Section 206. Effective Date

206.01 This Ordinance shall be effective when the Solid Waste Management Plan is implemented.

Section 207. Renewal

207.01 The annual license shall be renewable on January 1st or for the balance of a calendar year in which issued. Applications for renewal are due no later than November 30 for the succeeding year.

Section 208. Notification

208.01 Susquehanna County shall notify each municipality of all licensed haulers on a current basis. Municipalities shall notify

municipality who do not appear on the list of licensed haulers. Susquehanna County shall notify all municipalities of proposed changes in this Ordinance, 30 days prior to action by the Board of County Commissioners.

Section 209. Reporting Requirements

209.01 Each hauler is to submit to the Solid Waste Department photocopies of receipts indicating tonnage or gallonage from the facility or facilities where waste disposal and recycling material deliveries occurred within 15 days of the conclusion of each quarter of the year (March 31, June 30, September 30 and December 31).

ARTICLE III

ENFORCEMENT

Section 301. Complaint Process

301.01 Any hauler, municipal official or citizen who observes a violation of the hauler license requirements or a suspected violation may contact the appropriate municipal officials or the Solid Waste/Recycling Coordinator where the suspected violation was observed. Such municipal officials are responsible for the initial investigation and resolution of the problem. Susquehanna County is responsible for cooperation and provision of information as to hauler compliance with these requirements. Municipalities may institute legal proceedings for any violations of their municipal ordinance or this County Ordinance with the District Justice. In addition to fines, penalties may be imposed for enforcement costs to the municipalities and Susquehanna County. Hauler must be in compliance with all environmental laws

of the State of Pennsylvania. Susquehanna County will enforce licensing requirements.

Section 302. Denial of Disposal Privilege

302.01 Susquehanna County may revoke a hauler's license for violation of this Ordinance or the County Wasteflow Control Ordinance. Municipal officials may request Susquehanna County to revoke or suspend a hauler's license for violation of the County Waste Flow Control Ordinance. Susquehanna County may deny licensure or disposal privilege to any hauler not in compliance with this Ordinance. Such denial, revocation or suspension shall extend only until the verification of conformity with this Ordinance by Susquehanna County.

Section 303. Notification of License Revocation/Suspension

303.01 Susquehanna County shall be responsible for notification of license revocation or suspension to the responsible party in the company holding said license. Notification shall also be provided to each appropriate municipality in which that hauler is collecting waste.

Section 304. Display of License Sticker

304.01 A license sticker shall be displayed near the driver's door area of each solid waste vehicle operated by a licensed hauler, in a position which is easily visible. Should such sticker become mutilated, it is the responsibility of the license holder to apply for a replacement sticker at a minimal fee.

Section 305. Appeals Process

305.01 License denials, revocations or suspensions may be appealed to an Ad Hoc Appeals Committee consisting of a person designated by the participating municipality, a person designated by the Susquehanna County Commissioners and an independent hauler

suggested by the haulers licensed in the County. Any denial, revocation or suspension decision or action shall be stayed pending resolution of any appeal except in case of imminent danger or health hazards as determined by the County.

Susquehanna County or a designee shall be responsible for convening the Ad Hoc Appeals Committee promptly and presenting the facts of the case to the Committee.

Section 306. Criminal Penalties

306.01 Any person, other than a municipal official exercising his official duties, who violates any provision of this Ordinance, shall, upon conviction in a summary proceeding, be sentenced for each violation to pay a fine of not less than One Hundred Dollars (\$100) nor more than Six Hundred Dollars (\$600) and any costs incurred with the violation, including prosecution costs, or imprisonment not to exceed ten (10) days or both.

ARTICLE IV

SEVERABILITY CLAUSE

Section 401. Severability

401.01 The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance within a part of the County is held invalid, said invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provisions or application of the Ordinance and any other part of the County.

ARTICLE V

EFFECTIVE DATE

This Ordinance shall take effect on July 1, 1994.

ORDAINED AND ENACTED into an Ordinance this 27th day of January 1994.

Warren P. Williams

Jacqueline Marshall

John Blacklock

SUSQUEHANNA COUNTY COMMISSIONERS

ATTEST:

[Signature]

Chief Clerk

Note: Underlined sections are amendments made Jan. 27, 1994.