

PUBLIC NOTICE

The Board of Supervisors of Lower Paxton Township hereby gives public notice that it will hold a public hearing to consider Ordinance 19-03 during the regular business meeting to be held on June 4, 2019 at 7:00 pm in the Township Municipal Building, 425 Prince Street, Harrisburg, PA.

Ordinance 19-03 would amend the Lower Paxton Township Codified Ordinances by amending Chapter 165. Solid Waste Section 1, Article I. Hazardous Waste Disposal

Ordinance 19-03 contains the following:

Section 165.2. - Adoption of commonwealth and federal legislation, rules and regulations by reference.

Section 165-3. - Conflicting legislation, rules and regulations.

Section 165-4. - Prohibition of disposal of hazardous waste.

Section 165-5. - Notification of customers likely to generate hazardous waste; method of identifying, isolation and disposing of such waste.

Section 165-6. - Notification of generation of hazardous waste.

Section 165-7. - Joint Notification

Section 165-8. - Definitions

Section 165-9. - Exemption of municipality or municipal authority sludge.

Section 165-10.-Violations and penalties Article II. Solid Waste and Recycling

Section 165-11.- Title; Purpose; definitions

Section 165-12.- Storage, handling and disposal of municipal waste and recycling.

Section 165-13.- Service fees and billing.

Section 165-14 - Recyclables.

Section 186-15.- Violations and Penalties; remedies.

Ordinance No. 19-03 shall take effect and be in force five (5) days after its enactment.

Following the public hearing the Board of Supervisors will consider enactment of Ordinance 19-03.

A copy of Ordinance 19-03 may be examined without charge or a copy of the Ordinance may be obtained for the cost to prepare the copy at the Lower Paxton Township Municipal Center during regular business hours. Ordinance 19-03 is also available on the Township's website: lowerpaxton-pa.gov.

If you are a person with a disability desiring to attend the public hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, please contact the Township Manager at 657-5600 to discuss how Lower Paxton Township may provide a reasonable accommodation.

BOARD OF SUPERVISORS

LOWER PAXTON TOWNSHIP

By: Bradley N. Gotshall, Township Manager

ORDINANCE 19-03
AN ORDINANCE OF LOWER PAXTON TOWNSHIP, DAUPHIN COUNTY,
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP
OF LOWER PAXTON, CHAPTER 165, SOLID WASTE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 165 of the Lower Paxton Township Codified Ordinance is repealed and replaced as follows:

Chapter 165. Solid Waste

Section 1

Article I. Hazardous Waste Disposal

§ 165-1. Short title.

This article shall be known as and may be cited as the “Lower Paxton Township Hazardous Waste Disposal Ordinance.”

§ 165-2. Adoption of commonwealth and federal legislation, rules and regulations by reference.

The various acts, rules and regulations regulating the collection and disposal of hazardous waste adopted and/or promulgated from time to time by the United States of America and the Commonwealth of Pennsylvania, whether now or in force or hereafter adopted or promulgated, are incorporated herein and made a part hereof by reference thereto.

§ 165-3. Conflicting legislation, rules and regulations.

In the event that the real or apparent conflict exists between the language of this article or regulations adopted hereunder, the federal or state legislation, rules or regulations, it is hereby declared that any such conflict shall be resolved by enforcing the most restrictive legislation, rule or regulation, it being the intent of the Board of Supervisors to limit the dumping of hazardous waste in the most restrictive manner possible, to minimize the expense of operating the township landfill and assure compliance with both state and federal regulations.

§ 165-4. Prohibition of disposal of hazardous waste.

No collector of refuse or hazardous waste contracted under Lower Paxton Township shall dispose thereof any waste determined by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection to be a hazardous waste requiring special notification, record keeping or reporting requirements pursuant to the regulations adopted by the United States Environmental Protection Agency as set forth in 40 CFR, Part 261, adopted under the authority of the Resource Conservation and Recovery Act of 1976, as amended, or any amendments or supplements thereto.

§ 165-5. Notification of customers likely to generate hazardous waste; method of identifying, isolation and disposing of such waste.

All collectors of refuse and/or hazardous waste in Lower Paxton Township shall supply the Lower Paxton Township Manager with a list of all commercial, industrial, hospital or school customers and their addresses for whom they collect and dispose of refuse. Such list shall be supplied within 30 effective days of the effective date of this article. Furthermore, at the same time, they shall advise the Lower Paxton

Township Manager of their method of identifying and isolating hazardous waste from nonhazardous waste disposed of that has been collected within the limits of Lower Paxton Township and their location and method of disposal of any hazardous waste collected by them.

§ 165-6. Notification of generation of hazardous waste.

Any commercial and/or industrial enterprise, hospital or school generating waste within Lower Paxton Township, which waste has been determined by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection to be a hazardous waste requiring special notification, record keeping or reporting requirements pursuant to the regulations adopted by the United States Environmental Protection Agency under the authority of the Resource Conservation and Recovery Act of 1976, as amended, shall supply Lower Paxton Township such waste from nonhazardous waste, and the method and location of disposal. Such notification shall be made within 60 days after the effective date of this article, or within five days of the date they first begin generating such waste, whichever last occurs.

§ 165-7. Joint Notification

Any Generator or transporter of hazardous waste, or anyone who owns or operates a facility for treating, sorting or disposing of hazardous waste, who is required to notify the Environmental Protection Agency of their activity pursuant to the regulations adopted under § 3001 of the Resource and Recovery Act of 1976, as amended, shall also file a duplicate copy of any such notification with the Lower Paxton Township Manager.

§ 165-8. Definitions.

All definitions relating to the enforcement of this article shall be as set forth in the U.S. Environmental Protection Agency regulations or the Resource Recovery Conservation Act of 1976, and any subsequent amendments thereof. References herein to specific parts or sections shall include the successor parts or sections if renumbered or amended.

§ 165-9. Exemption of municipality or municipal authority sludge.

In the event the United States Environmental Protection Agency regulations shall be deemed to include the disposal of sewage sludge from sewage treatment plants operated by a municipality or municipal authority, such municipality or municipal authority may be exempted from the provisions of this article upon submitted evidence satisfactory to a majority of the members of the Board of Supervisors of Lower Paxton Township that such disposal is in the best interest of the Township residents, after taking into consideration the cost of alternate methods of disposal, the additional cost related to such disposal, and such other factors as the Board of Supervisors deem to be relevant and appropriate in making such a determination.

§ 165-10. Violations and penalties

Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a Magisterial District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine or not more than \$1,000, plus costs, and , in default of payment of said fine and costs, to a term of imprisonment no to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

Article II. Solid Waste and Recycling

§ 165-11. Title; Purpose; definitions

- A. Short title. This article shall be known as the “Lower Paxton Township Municipal Solid Waste and Recycling Ordinance”
- B. Purpose. The purpose of this article is to provide for the health, safety and welfare of the residents of the Township of Lower Paxton by regulating the collection, storage, transportation, removal, dumping, deposit, disposal and recycling of solid waste by:
 - (1) Instituting a comprehensive solid waste management program.
 - (2) Establishing a mandatory recycling program pursuant to the requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act, the Act of July 28, 1988, P.L. 556, Act No. 101, as amended, 50 P.S. § 4000.1501 es seq.
 - (3) Definitions. The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

ALUMINUM CANS

Clean, non-aerosol and empty all-aluminum beverage and food containers.

AUTHORIZED COLLECTOR

Person, firm or corporation licensed, registered or contracted by Lower Paxton Township to handle municipal waste and/or recyclables in accordance with the provisions of this article.

BULKY WASTE

Items of solid waste which, due to their size, shape or weight, cannot be collected as part of the normal weekly municipal waste collection and, therefore, require special handling. For example, large household appliances such as stoves and refrigerators, plumbing fixtures, furniture, large crates, tires, tools, machinery or parts thereof, and similar items shall be considered bulky waste.

COMMERICAL ESTABLISHMENTS

Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

COMMUNITY EVENTS

Events which include, but are not limited to fairs, bazaars, socials, picnics, and organized sporting events, that will be attended by 200 or more individuals per day, regardless of the length of time of the event.

[Added 12-15-2015 by Ord. No. 673]

CONSTRUCTION AND DEMOLITION WASTE

Lumber, roofing material, sheathing, rubble, broken concrete macadam, plaster and brick, conduit, pipe, insulation and other material which results from a construction, demolition or remodeling process.

CORRUGATED CARDBOARD

Paper boxes constructed in a corrugated manner and used as containers for business and consumer applications.

DWELLING UNIT

Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by one family.

EXCLUSIVE CONTRACT

An agreement entered into by Lower Paxton Township with a private person or corporation for the collection and disposal of al municipal waste and/or recyclables within the Township of Lower Paxton to the extent provided by this article and the agreement.

GLASS

Plain, uncolored or colored glass bottles and jars. Expressly excluded from the definition of glass are blue glass, lead crystal, porcelain, ceramic products and tempered or plate glass.

INDUSTRIAL ESTABLISHMENTS

Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

INSTITUTIONAL ESTABLISHMENT

Rental housing apartment buildings or apartment complexes which have two or more dwelling units, and condominium associations and homeowners' associations of two or more dwelling units which are established and organized in such a manner that the association provides common services for the residents of the housing development. This definition shall also include apartment buildings and apartment complexes owned and operated by institutional establishments if the institutional establishment changes rental fee for the dwelling unit.

MUNICIPAL WASTE

Any garbage, refuse, industrial lunchroom or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the 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, the Act of July 1, 1980, P.L. 380, Act No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facilities. The term does not include source-separated materials. (Municipal Waste Planning, Recycling and Waste Reduction Act.)

NEWSPAPER

Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinion and containing advertisements and matters of public interest, excluding magazines.

PERSON

Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTIC BOTTLES

Empty and clean consumer product containers made of polyethylene terephthalate (PET), polypropylene (PP), High-density polyethylene (HDPE) and low-density polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk and other consumer food products or for household cleaning products or for personal care products.

RECYCLABLES/RECYCLABLE MATERIALS

Those materials specified by Lower Paxton Township for separation, collection, processing, recovery or reuse as part of a recycling program.

RECYCLING

The program or system of separation, collection, processing, recovery or reuse of recyclables.

RESIDENTIAL MUNICIPAL WASTE

Municipal solid waste, as herein defined, that is generated at a dwelling unit.

RESIDENTIAL UNIT

See “dwelling unit.”

RESIDUAL WASTE

Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the Coal Refuse Disposal Control Act, the Act of September 24, 1968, P.L. 1040 § 318, as amended, 52 P.S. § 30.51 et seq. The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law, the Act of June 22, 1987, P.L. 1987, NO 394, as amended, 35 P.S. § 691.1 et seq. (Municipal Waste Planning, Recycling and Waste Reduction Act)

SOLID WASTE

Any waste including, but not limited to, municipal residual or hazardous waste, including solid, liquid, semisolid or contained gaseous materials. (Solid Waste Management Act, § 103)

STEEL CANS

Clean, nonaerosol and empty all-steel (ferrous metal) or bimetal beverage and food containers.

TOWNSHIP

The governmental jurisdiction and legal entity of Lower Paxton Township, Dauphin County, Pennsylvania.

§ 165-12. Storage, handling and disposal of municipal waste and recycling.

- A. General. It shall be the duty of every owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this article, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector; and to insure the sanitary and

legal disposal of such waste in accordance with this article and all other Township, state and federal applicable laws and regulations.

B. Storage on residential property.

- (1) Containers. All municipal waste and recyclables accumulated by owners of residential and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, watertight and made of rust-resistant metal or plastic and have tight fitting lids. The size of each container shall not exceed 36-gallon capacity unless bulk (dumpster-type) containers are used. Containers for curbside recyclables will be as specified by the Township or as provided by the Township directly or through exclusive contract for collection of recyclables. Use of bulk containers at multifamily establishments shall comply with the provisions of Subsection C (1) below.
- (2) Location of containers. Each municipal waste container and curbside recyclable container shall be placed for collection so as to be accessible to the collector at ground level and at a point immediately behind the curbside of the street, within no more than 10 feet of the cartway of the street or alley from which the collection with a vehicle is made if there is no curbing, or at a location mutually agreeable between the resident, the Township and the collector. Failure to place containers at such location may result in waste not being picked up. Location for collection of uncontainerized recyclable material shall be as specified by the Township. Location of bulk containers at multifamily establishments shall be in accordance with Subsection C (2) below.
- (3) Time Limitation. Waste and recyclable containers are not permitted to be stored in the location provided in Subsection B (2) outside of the scheduled pick-up days. This time limitation applies to the keeping/storing of compost bags/cans. Waste and recycling shall not be placed at the curb more than 8 hours before the scheduled pick-up day and must be removed from the Right-of-Way within 8 hours after pick-up. This time may be extended at the Townships discretion.

C. Storage on commercial, institutional and industrial properties.

- (1) Containers. Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers as required for residential properties except where the accumulation of solid waste for such commercial, institutional or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with the authorized collector for the storing of such additional quantities. Special arrangement shall include the number and type of special bulk container(s) to be furnished by the collector as may be approved by the township.
- (2) Location of containers. Containers for the collection at commercial institutional or industrial properties shall be located on the owners or occupant's premises at a place agreed upon by the owner or occupant of the commercial, institutional or industrial property and the authorized collector, and shall be satisfactory to the Township. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys or entrances and exits of public or private buildings.

D. Authorization of municipal waste collectors and reporting requirements. It shall be unlawful for any person or corporation, other than persons or corporations authorized by license or contract by the township, to collect and/or transport municipal waste of any nature as a regular hauling business within or from the Township. If the Township decides to enter into an exclusive contract for the collection of residential municipal waste in the Township, said contractor shall be required to collect municipal waste in the Township exclusive of other private haulers and collectors subject to exceptions to the exclusive Township contract. The township shall not issue a license to any private hauler or collector for collection of residential municipal waste other than the hauler or collector having the exclusive contract with the Township. Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the Township through the issuance of a contract or license. All applicants for licensing shall be reviewed by the Township and shall be approved in accordance with the following. *[Municipal waste collection licenses or contracts may be issued to only those persons or corporations who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of the article. The Township reserves the right to disapprove any application for license.]*

(1) Applicants for municipal waste collection license must furnish the following information:

1. The number of collection vehicles, the make, model, license plate number and size of each vehicle to be used for the collection and transportation.
2. The location, address and telephone number of the business office of the applicant.
3. A certificate of the applicant's workman's compensation insurance as required by law.
4. A certificate of insurance coverage providing complete third-party comprehensive bodily injury and property damage liability insurance, limits of which will not be less than \$5000,000/\$1,000,000 for bodily injury and \$100,000 for property damage.
5. Intended disposal facility proposed to be used by the applicant.
6. Any other information which the Township may request and deem necessary prior to the issuance of a license

(2) Licenses shall be issued on a calendar-year basis, but may be revoked at any time by the Township for just cause including by not limited to, violation of any of the provisions of this article, applicable state or federal law or regulations or other policies established by the Township or contractual arrangements entered into between the applicant and the Township.

(3) Fees for licenses shall be set by the Township, and the amount shall be provided to an applicant or any person upon request.

(4) Any person or corporation who is licensed to provide municipal waste collection services for commercial, industrial and institutional establishments within the Township shall be required to submit an annual report stating the amount of municipal waste collected and the type and weight of each recyclable material collected within the Township. The reporting form shall be supplied by the township to the collector and shall be returned to the township within 30 days of the end of each calendar year.

- E. Transportation of solid waste. Any person transporting solid waste within the Township shall prevent or remedy any spillage from vehicles or containers used in transport of such solid waste. The vehicles used to transport or convey solid waste shall be leak-proof.
- F. Disposal of municipal waste. All municipal waste produced, collected and transported from within the jurisdictional limits of the Township shall be disposed of at a landfill or other disposal facility licensed or permitted by the Commonwealth of Pennsylvania Department of Environmental Protection or other state government. However, the Township reserves the right to designate a state-permitted facility of its choice and require that all municipal waste generated in the Township be disposed of at this designated facility. If the Township designates a disposal facility as provided for above, all authorized (licensed) collectors, or collectors operating under contract with the Township for collection of municipal waste, shall be informed by the township of the location, regulations and other information pertaining to the designated disposal facility. The township reserves the right to make inspections of authorized collectors to insure that waste generated within the Township is being disposed of in an authorized or designated facility and to limit the use of a designated facility only to waste generated within the Township. Any authorized collector found to be in violation of this section shall have his license to collect or haul municipal waste in the Township revoked.
- G. Unlawful deposition of municipal waste. It shall be unlawful for any person to deposit for collection any solid waste including bulky items not generated at the address from which collection is made or to bring any solid waste into the Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.
- H. Bulky waste. Bulky waste which is not collected by the normal or weekly residential collection shall not be stored outside of a building or accessory building on any land in the Township, except for a period not exceeding 14 days pending the special handling for disposal of the bulky waste. However, bush, tree trimmings, yard clipping, leaves, grass or other waste from live plantings may be stored for longer periods of time if necessary until the next scheduled collection for such items or for the purpose of composting or burning such materials in accordance with Township ordinances, unless such storage violates other ordinances or regulations of the Township. It shall be unlawful for any person to place bulky waste on any property other than on the property at which it was generated or directly associated with. Bulky waste shall be disposed of at a state-permitted or -licensed disposal facility, a facility especially designated by the Township to take such bulky Items or a legitimate salvage dealer that is in the business of disposing or recycling such items.
- I. Construction and demolition waste. All waste materials resulting from the building structural alteration, repair, construction or demolition of buildings or structures shall be disposed of as permitted by the regulations of the State Department of Environmental Protection or pertinent ordinances or regulations of the Township. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with the applicable laws and regulations.
- J. Exclusions.
 - (1) Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collection municipal waste from hauling his own municipal waste on an irregular or unscheduled basis to a state-permitted disposal facility or to the disposal facility as designated by the Township in accordance with the regulations of the disposal facility.

- (2) Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure or other farm-produced agricultural waste, not otherwise prohibited or regulated for land application.
- (3) The provisions of this article do not apply to anything but the storage, collections, transportation and disposal of municipal waste and do not apply therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable state and federal laws and regulations.

K. Reporting requirements for commercial, institutional and industrial establishments. Any commercial, institutional or industrial establishment located within the Township that collects and transports their own municipal waste, in other words, does not contract with a licensed municipal waste hauler or come under the Township's municipal waste contractor, shall submit an annual report to the Township stating the amount of municipal waste generated by their establishment. The reporting form shall be supplied by the Township to the establishment and shall be returned to the Township within 30 days of the end of each calendar year.

§ 165-13. Service fees and billing.

- A. General. It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premises or a place of business within the Township where municipal waste is produced and is accumulated to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this article, to a licensed hauler, exclusive contractor or to the Township. A licensed hauler, exclusive contractor or the Township may discontinue service for nonpayment of service fees by a resident, commercial, institutional or industrial establishment. Discontinuance of service due to nonpayment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this article.
- B. Service charges to be based on volume of waste collected. To encourage and maximize recycling, all municipal waste service charges for the collection and disposal of municipal waste paid either to a licensed hauler, an exclusive contractor or the Township shall be based upon the volume of waste collected at the commercial, institutional or industrial establishment. At residential units, service charges shall be based on volume to the extent that any amount over four, 36-gallon cans per week be charged on a volume basis. To effectuate this provision, the following guidelines are hereby established:
 - (1) The Township may require licensed haulers to disclose and allow review by the Township of the solid waste rates being used by the hauler if the Township has reason to believe the hauler is not charging for solid waste services on a volume basis
 - (2) An exclusive contract for the collection of residential municipal waste as may be established by the Township shall include provisions for billing residential units on a volume basis. This provision shall not preclude the Township or its contractors from establishing a minimum charge for solid waste collection as an assessment against the property for the benefit to the health and welfare of the community for having a comprehensive solid waste collection and recycling program available to the owners of property in the Township. Such minimum charges will be set at a level that is

appropriate to cover the basic cost of solid waste collection but shall not be set so high as to discourage recycling solid waste.

- C. Charges to be established by resolution. All service fees established under an exclusive contract for the collection of waste by the Township shall be established by a resolution to the Township Board of Supervisors. Service charges so established shall be reviewed at least annually and adjusted as necessary to ensure that all costs involved in the collection and disposal of municipal waste under the exclusive contract, including the administrative cost of the Township, are covered by the service charges.

§ 165-14 Recyclables.

- A. Introduction. The Township, recognizing that reclaiming of recyclable materials is an important method for addressing the growing solid waste disposal problem through conserving landfill space, and that recycling conserves natural resources, reduces energy consumption and promotes the general interest, and to be in compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act, does hereby authorize and encourage collection, processing, storage, transportation and recycling materials in accordance with the provisions of this subpart.
- B. General. Recyclables separated for the purpose of materials recovery rather than disposal and collection by the Township or its designated agent or contractor shall not be considered solid waste as defined under this article and shall not be subject to the provisions of this article which require the disposal of waste at designated facilities unless such recyclables become unmarketable.
- C. Establishment of program. The Township hereby establishes a program for the mandatory separation of recyclables from municipal waste by persons residing in single-family dwellings and multifamily establishments, by commercial, institutional, and industrial establishments, and by community events providers/sponsors/promoters.
- D. Items to be separated and recycled (this list may change from time to time based on the recycling market)
 - (1) At residential units (including multifamily establishments):
 - (a) Newspapers.
 - (b) Glass (clear, brown, blue and green)
 - (c) Aluminum and steel cans.
 - (d) Plastic Bottles and jugs.
 - (e) Leaf waste.
 - (2) At Commercial, institutional, and industrial establishments and community events.
 - (a) Newspapers.
 - (b) High-grade office paper and corrugated paper.
 - (c) Aluminum and steel cans.

- (d) Glass (clear, brown, blue and glass)
 - (e) Plastic bottles.
 - (f) Leaf waste.
- E. Exclusions. Newspapers that are used for secondary purposes, such as wrapping other waste or for cleaning which renders them unusable for recycling, shall not be required to be recycled.
- F. Plan to be filed and approved by the Township, Commercial, industrial and institutional establishments and family establishments conducting their own recycling program, not in conjunction with an agent of the Township or under an exclusive contract as may be established by the Township for the collection of municipal waste and recyclables, shall file with the Township and have approved by the Township individual recycling programs which provide for, at minimum, the recycling of items listed in Subsection **D(2)** above, as provided in § 1501(c) of the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.1501(c).
- G. Establishment of regulations. The Township or its authorized agent shall establish and promulgate regulations on the manner, days and time of collection of recyclable materials, and for the building, handling, location and time of placement of such materials for collection. Regulations shall be promulgated for each of the programs undertaken including, but not limited to, the residential, multifamily and commercial sources of recyclable materials.
- H. Separation of recyclables and placement for disposition. Recyclable materials shall be placed at the curb or other designated area separated from solid waste, for collection or taken to drop-off sites at such times, dates, manner and places as may be established or authorized by the Township.
- I. Collection by unauthorized person(s). From the time of placement of recyclable items at the curb or designated location, or at a drop-off center as designated or authorized by the Township, the recyclable items shall become the property of the Township or its authorized agent or contractor. It shall be a violation of this subpart for any person unauthorized by the Township to collect, pick up or cause to be collected or picked up by any such items. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
- J. Unlawful disposing of recyclables. Upon and after the effective date of this article it shall be unlawful for any person or persons to dispose of any recyclable item as established in Subsection **D** above, commingled with other solid waste not required to be recycled or to dispose of such items in other places that will not insure that items are recycled, unless the material is so contaminated that it is unacceptable for recycling.
- K. Registration of recyclable collectors
- (1) It shall be unlawful for any person or corporation other than person or corporations registered within the Township to collect and/or transport recyclable materials of any nature extracted from municipal waste as a regular hauling business within or from the Township. All persons or corporations who register with the Township for recyclable collection shall be reviewed by the Township and shall be approved in accordance with the following:
- (a) Ability to provide necessary services and comply with provisions and intent of this article.
 - (b) Registrants for recyclable collection must furnish the following information of the applicant.

- (1) The location, address and telephone number of the business office of the applicant.
- (2) Any other information which the township may request and deem necessary prior to the registering the applicant.

(2) Municipal waste collections who have applied for and received a license to operate within the Township shall be exempt from registration of recyclable collection and transportation. There shall be no charge for the registration of recyclable collectors.

L. Reporting requirements for registered recyclable collectors.

(1) Any Commercial, institutional or industrial establishment located within the Township that handles their own recyclable items which are extracted from municipal waste, in other words, does not contract for recycling services through a licensed or registered contractor or come under the Township's municipal waste and recycling contract, shall submit an annual report stating the amount, type and weight of each recyclable material generated by the establishment and handled by the establishment itself. Reporting forms shall be supplied by the Township to the establishment and shall be returned to the Township within 30 days of the end of each calendar year.

§ 186-15. Violations and Penalties; remedies.

- A. Violations and penalties. Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a Magisterial District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus cost and, in default of payment of said fine and costs, to a term of imprisonment not to be exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.
- B. Other remedies. In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove such solid waste after five days following written notice, the Township may cause the solid waste to be collected and disposed of with the cost for such action to be charged to the owner or occupant of the property in a manner provided by law.

SECTION 3: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.