

## **Chapter 20**

### **Solid Waste**

#### **Part 1**

#### **Municipal Waste Flow Ordinance**

- §20-101. Definitions
- §20-102. Operation by Licensed Collectors
- §20-103. Disposal at Designated Solid Waste Processing or Disposal Facility
- §20-104. Regulations
- §20-105. Existing Contracts
- §20-106. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited; Continuation of Existing Facilities
- §20-107. Unlawful Activities; Nuisance
- §20-108. Penalties
- §20-109. Revocation of License
- §20-110. Injunctions; Concurrent Remedies
- §20-111. Intermunicipal Agreement
- §20-112. County/LCSWMA Operations and Charges
- §20-113. Construction

#### **Part 2**

#### **Recycling**

- §20-201. Definitions
- §20-202. On-Site Collection of Regulated Municipal Waste and Designated Recyclable Materials
- §20-203. Collector Permits
- §20-204. Responsibilities of Residential Units and Multi-Family Units
- §20-205. Designated Recyclable Materials
- §20-206. Illegal Dumping and Open Burning
- §20-207. Scavenging
- §20-208. Existing Contracts
- §20-209. Authorization of Township
- §20-210. Unlawful Activity
- §20-211. Penalty
- §20-212. Persons Liable
- §20-213. Injunctive Relief
- §20-214. Concurrent Remedies



**Part 1****Municipal Waste Flow Ordinance****§20-101. Definitions.**

The following terms shall have the followings meanings in this Part:

*County*—the County of Lancaster.

*Existing contract*—any agreement or contract fully executed prior to the effective date of this Part for the collection, disposal or transportation of municipal waste generated within this Township.

*Facility*—the waste to energy incinerator to be constructed by or on behalf of LCSWMA pursuant to the plan.

*Full system operation or fully operational*—date which is 60 days from the date upon which the County and other municipalities representing in the aggregate not less than 60 percent of the population of the County, as determined by the 1980 Decennial Census of the United States, execute the Intermunicipal Agreement and enact waste flow ordinances.

*LCSWMA*—the Lancaster County Solid Waste Management Authority, its assigns, its successors in interest, and its predecessor in interest, the Lancaster Area Refuse Authority.

*Municipality*—the Township of West Cocalico, a township of the second class located with the County of Lancaster, Commonwealth of Pennsylvania.

*Person*—any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, penalty, imprisonment or denial or grant of any license, the term “person” shall include the officers and directors of a corporation or other legal entity having officers and directors.

*Plan*—the municipal waste management plan for the County adopted by the County or municipalities therein and approved by the Pennsylvania Department of Environmental Protection. [Ord. 125B]

*Point of entry into the system*—any delivery site within the system designated by LCSWMA for delivery of regulated municipal waste.

*Recycling*—the collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste and other materials which would otherwise become municipal waste.

*Regulated municipal waste*—any garbage, refuse, industrial lunchroom or office waste, and other material including solid or semi-solid material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities, and any other solid waste which is within the definition “municipal waste” set forth in §103 of the Pennsylvania Solid Waste Management Act, Act of July 2, 1980, P.L. 380, No. 97, 35 P.S. §6018.103, and which LCSWMA, the County, or any contractor (“contractor”) selected by the County or LCSWMA to

construct and/or operate a resource recovery facility or facilities to be located within the municipal boundaries of the County by ordinance or regulation is willing to accept at the facility, but excluding (1) any liquid waste or sludge, (2) any waste which is defined by existing or future Federal or State law or regulation as hazardous waste or residual waste, (3) infectious waste, pathological waste, or other waste for which treatment or handling requirements different from those normally applicable to municipal waste apply, (4) polychlorinated biphenyls, (5) any waste which may be marketable and which is intentionally segregated for purposes of recycling and (6) materials specifically excluded under applicable County or LCSWMA ordinances, rules or regulations.

*Source separation*—the segregation and collection, prior to delivery to a point of entry into the system, of materials for the sole purpose of recycling.

*System*—the overall solid waste management and disposal system and every aspect thereof owned or operated by or on behalf of LCSWMA, including, without limitation, equipment, transfer stations, resource recovery facilities, and landfills, owned or operated, or to be acquired, constructed or designee or contractor thereof operated by LCSWMA or any agent, in implementation of the plan.

*Transfer facility*—any solid waste facility which is now or hereafter may be established by LCSWMA or the County for the purpose of accepting solid waste for processing and economical consolidation for subsequent delivery to the facility or other solid waste disposal site.

All other words and phrases shall have the same meanings as set forth in the Pennsylvania Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 *et seq.*, as it may hereinafter be amended or supplemented by legislation regarding municipal waste planning.

(*Ord. 53, 12/22/1986, §1; as amended by Ord. 125B, 9/16/2014*)

#### **§20-102. Operation by Licensed Collectors.**

1. *Licensing.* No person who is not duly licensed by LCSWMA to deliver waste to the County System may collect or transport municipal waste located or generated within this Municipality. This prohibition shall become effective 120 days from the effective date of this Section of this Part.

2. *Compliance with Rules, Regulations and Ordinances.* In carrying on activities related to solid waste collection or transportation within this Township, all municipal waste collectors and all municipal waste transporters shall comply with all rules, regulations and ordinances pertaining to the collection, transportation and disposal of solid waste as may be hereinafter enacted by this Township or by the County pursuant to a parallel County Waste Flow Ordinance and all rules and regulations enacted by LCSWMA pursuant to authority given it under 53 P.S. §315, as hereafter amended.

3. *Administration.* Licenses hereunder shall be issued, revoked and administered by LCSWMA.

(*Ord. 53, 12/22/1986, §2*)

#### **§20-103. Disposal at Designated Solid Waste Processing or Disposal Facility.**

1. *Delivery to LCSWMA/County Sites.* All municipal waste collectors and transporters shall deliver and dispose of all regulated municipal waste collected or generated within the Township at a transfer station or disposal facility owned and operated by or on behalf of LCSWMA, subject to such reasonable regulations for the operation thereof as may be established by the County or LCSWMA.

2. *Disposal at Other Sites.* Disposal of regulated municipal waste collected or generated within the Township may occur at other sites only as permitted by rule, regulation, ordinance or order duly issued by the County or by the written agreement of the County, LCSWMA, and the Township. Disposal of regulated municipal waste at an existing facility from sources reflected on the notice to the Township, the County, and LCSWMA as provided in §20-106.3 of this Part shall be permitted.

3. *Recycling.* Nothing herein shall be deemed to prohibit source separation or recycling or to affect any sites at which source separation or recycling may take place. (Ord. 53, 12/22/1986, §3)

#### **§20-104. Regulations.**

1. *Compliance with County and LCSWMA Regulations.* The collection, transportation and disposal of municipal waste present or generated within the Township shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the County pursuant to its waste flow ordinance and such rules and regulations as may be adopted by LCSWMA pursuant to 53 P.S. §315, as hereafter amended, including, without limitation, regulations governing applications and standards for licensing, fees to be charged for such licensing, the terms of licenses, procedures, record-keeping, transportation routes and other matters.

2. *County Authorization to Adopt Regulations.* Rules and regulations adopted by the County pursuant to the parallel County Waste Flow Ordinance to be adopted pursuant to the Intermunicipal Agreement described in §20-111 hereof, shall be deemed rules and regulations adopted under this Part and the County is hereby authorized to adopt such rules and regulations.

3. *Consistency of Regulations with this Part and Other Laws.* No rules or regulations adopted pursuant to this Part shall be contrary to or less stringent than the provisions of this Part, the Plan, the County Waste Flow Ordinance, the Pennsylvania Solid Waste Management Act or regulations adopted thereunder, or such other laws, regulations or requirements as may be enacted by the United States of America, the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Protection or the Pennsylvania Environmental Quality Board governing municipal waste planning, collection, storage, transportation, processing or disposal. [Ord. 125B] (Ord. 53, 12/22/1986, §4; as amended by Ord. 125B, 9/16/2014)

#### **§20-105. Existing Contracts.**

1. *Non-interference with Existing Contracts.* Nothing contained in this Part shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Municipality on the effective date of this Part.

2. *New Contracts and Renewals of Existing Contracts.* No renewal of any existing contract upon the expiration of the original term thereof and no new contract for municipal waste collection, transportation, processing or disposal shall be entered into

after the effective date of this Part, unless such renewal or such contract shall conform to the requirements of this Part, the County Waste Flow Ordinance, rules and regulations promulgated thereunder, and the terms of licenses issued thereunder.

(*Ord. 53, 12/22/1986, §5*)

**§20-106. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited; Continuation of Existing Facilities.**

1. *Prohibition of Private Waste Processing and Disposal Facilities.* No person other than LCSWMA, the United States of America, the Commonwealth of Pennsylvania, a county, a municipality, an authority created by the foregoing, or a person acting on behalf of the foregoing shall use or permit to be used any property owned or occupied by that person within the Township as a municipal waste processing or disposal facility, either for municipal waste generated within the Township or elsewhere, without the express written approval of the Township, the County and LARA.

2. *Recycling.* The prohibition set forth in subsection .1 of this Section shall not interfere with the operation of any program for recycling.

3. *Existing Facilities.* The prohibition set forth in subsection .1 of this Section shall not interfere with the operation of any privately or publicly owned solid waste facility which has been issued a solid waste permit before the effective date of this Part, provided:

A. The owner or operator of the facility provides written notice to the County and the Township of the facility permit number, address, ownership and existing sources of waste no later than 60 days after the effective date of this Part.

B. The facility accepts regulated municipal waste from no sources within the County other than those then authorized by the facility's solid waste permit and then being accepted, as reflected on the notice provided the County and Township pursuant to this Section.

C. The facility shall not be expanded in capacity, with the exception of facilities owned or operated by or on behalf of another county, which facilities may expand if such expansion is consistent with a DEP approved municipal waste management plan. [*Ord. 125B*]

D. Notices under this Section shall be submitted to the Township SEO on behalf of the Township. The County may by resolution designate LCSWMA or another authority or agency as the entity which will receive notice pursuant to this Section.

(*Ord. 53, 12/22/1986, §6; as amended by Ord. 125B, 9/16/2014*)

**§20-107. Unlawful Activities; Nuisance.**

1. *Unlawful Conduct.* It shall be unlawful for any person to:

A. Accumulate or cause to be accumulated municipal waste in an amount greater than 20 tons, other than waste which has been source separated for the purpose of recycling.

B. Violate, cause or assist in the violation of any provision of this Part, any rule, regulation or order promulgated hereunder, or any rule, regulation or order

promulgated by LCSWMA or the County consistent with this Part.

C. Process, treat, transfer, or dispose of or cause to be processed, treated, transferred or disposed regulated municipal waste generated within the Township at any solid waste facility other than a solid waste facility owned or operated by or on behalf of the County or LCSWMA or at an existing solid waste facility as permitted by §20-106.3 of this Part, without the express written consent of any municipality within which the facility is located, the County, and LCSWMA.

D. Collect or transport municipal waste present or generated within the County without a valid license for disposal issued by LCSWMA.

E. Hinder, obstruct, prevent or interfere with the Township, the County, LCSWMA or their personnel in the performance of any duty under this Part or in the enforcement of this Part.

F. Act in a manner that is contrary to Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, regulations promulgated thereunder, the Plan, this Part, the County Ordinance, rules or regulations promulgated thereunder, or the terms of licenses issued thereunder.

2. *Public Nuisance.* Any unlawful conduct set forth in subsection .1 hereof shall constitute a public nuisance.

(*Ord. 53, 12/22/1986, §7*)

#### **§20-108. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 less than \$150 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 53, 12/22/1986, §8; as amended by Ord. 125B, 9/16/2014*)

#### **§20-109. Revocation of License.**

Upon finding that any person has engaged in unlawful conduct as defined in this Part, (A) LCSWMA, the Township, the County may revoke any license issued by LCSWMA to that person in accordance with §20-102 of this Part, and (B) LCSWMA may deny any subsequent application by that person for a license pursuant to §20-102 hereof.

(*Ord. 53, 12/22/1986, §9*)

#### **§20-110. Injunctions; Concurrent Remedies.**

1. *Restraining Violations.* In addition to any other remedy provided in this Part, the Township, the County or LCSWMA may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Part for an injunction to restrain a violation of this Part or rules, regulations, orders or the terms of licenses promulgated or issued pursuant to this Part. In addition to an injunction, the court may impose

penalties as authorized by §20-108 hereof and revoke any licenses as authorized by §20-109 hereof.

2. *Concurrent Remedies.* The penalties and remedies prescribed by this Part shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township, the County or LCSWMA from exercising any other remedy provided by this Part or otherwise provided at law or equity.

(Ord. 53, 12/22/1986, §10)

### **§20-111. Intermunicipal Agreement.**

1. *Entry into Intermunicipal Agreement.* In order to implement the intent and terms of this Part, the Township, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180, codified at 53 P.S. §§481 to 490 and Article IX, §5, of the Constitution of the Commonwealth of Pennsylvania, hereby enters into the intermunicipal joint cooperation agreement between this Township, the County, and other municipalities within the County of Lancaster, which is attached hereto as Exhibit A<sup>1</sup> and incorporated herein, together with such changes consistent with this Part, if any, as may be approved by the officials of the parties executing the same, such execution to be conclusive evidence of such approval (“Intermunicipal Agreement”).

2. *Terms and Implementation of Intermunicipal Agreement.* As more fully set forth in the Intermunicipal Agreement and this Part:

A. *Conditions and Terms of Agreement.* In the agreement:

(1) The County agrees (a) to arrange for the provision of municipal waste disposal facilities for the economical and environmentally sound disposal of municipal waste generated within the participating municipalities, (b) to coordinate recycling activities and marketing and (c) to assure continuing municipal waste planning for the County and the participating municipalities by entering into an agreement with LCSWMA.

(2) The County and participating municipalities representing, in the aggregate, not less than 60 percent of the population of the County each agree to enact a waste flow ordinance in a form substantially similar to this Part and to assure otherwise that all acceptable municipal solid waste be delivered to the County system.

(3) The County agrees (a) to enact rules and regulations, (b) to cause LCSWMA to enact additional rules and regulations and to administer a licensing program, and (c) to enforce this Part and the parallel municipal and County waste flow ordinances.

(4) The County agrees to assure reasonable solid waste disposal fees for residents of the participating municipalities.

(5) The parties agree to cooperate in the joint enforcement of the Intermunicipal Agreement and all ordinances enacted pursuant to the Intermunicipal Agreement and this Township thereby agrees cooperatively to exercise, to delegate to the County, and to allow delegation of such powers,

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<sup>1</sup>Editor’s Note: Exhibit A is on file in the Township office.



duties and responsibilities as set forth in the Intermunicipal Agreement.

B. *Duration of Term of the Agreement.* The term of the Intermunicipal Agreement shall commence upon the date on which the County and other municipalities representing at least 60 percent of the population of the County have executed the Intermunicipal Agreement and shall terminate 40 years following that date, unless terminated earlier for cause.

C. *Purpose and Objectives of Agreement.* The purpose of the Intermunicipal Agreement is to provide a mechanism (1) to finance, to construct and to operate a municipal waste disposal system to serve this Township and other municipalities within the County, (2) to administer a Countywide recycling program, and (3) to provide continuing municipal waste planning, as more fully set forth in the recitals to the Intermunicipal Agreement and this Part.

D. *Manner and Extent of Financing the Agreement.* Enforcement of this Part shall be financed by the County's general revenues, except insofar as the Township elects to enforce this Part; administration of this Part the recycling program and planning shall be financed by LCSWMA with revenues received from operation of the County system; and construction and operation of the County system shall be financed by debt instruments issued by LCSWMA and operating revenues.

E. *Organizational Structure Necessary to Implement the Agreement.* LCSWMA shall be formed from LARA by amendment of LARA's Articles of Incorporation; LCSWMA shall (1) construct and operate or arrange for the construction and operation of the County system, and (2) administer and enforce this Part and parallel ordinances adopted by the County and other municipalities pursuant to the Intermunicipal Agreement; and the County and the Township shall enforce said waste flow ordinances with assistance from LCSWMA.

F. *Management and Acquisition of Property.* All property within the County system shall be acquired, managed and disposed of by LCSWMA, in accordance with its separate agreement with the County and the powers and duties imposed upon LCSWMA by law.

3. *Execution.* Appropriate officers of the Township are authorized and directed to execute the Intermunicipal Agreement on behalf of the Township.

(*Ord. 53, 12/22/1986, §11*)

#### **§20-112. County/LCSWMA Operations and Charges.**

The Township has been advised by the County that the plan proposes to provide for solid waste processing and disposal facilities which will be operated efficiently and economically by LCSWMA and in accordance with all applicable laws and regulations, and also that LCSWMA will impose reasonable charges, which will be uniform among all classes of the users of the plant or plants from participating municipalities which execute the Intermunicipal Agreement within 90 days of the date upon which DEP grants preliminary approval to the plan. Charges may differ for different categories of waste and for different points of entry into the system.

(*Ord. 53, 12/22/1986, §12; as amended by Ord. 125B, 9/16/2014*)

#### **§20-113. Construction.**

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The terms and provisions of this Part are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Part shall be construed in *pari materia* with the Act of July 7, 1980, P.L. 380, No. 97, known as the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

(*Ord. 53, 12/22/1986, §13*)

**Part 2****Recycling****§20-201. Definitions.**

Any term, if not defined in this Part, shall have the meaning as from time to time set forth in the LCSWMA rules and regulations which are incorporated into this Part by reference. In addition, as used in this Part, the following terms shall have the following meanings: [*Ord. 125B*]

*Act 97*—the Solid Waste Management Act, Act of July 7, 1980, P.L. §380, No. 97, 35 P.S. §6018.101 *et seq.*, as now or hereafter amended.

*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.

*Aluminum*—all food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates and miscellaneous aluminum products.

*Battery bags*—bags which LCSWMA makes available to generators of municipal waste and which shall be used as disposal containers for batteries which are generated in households.

*Clear glass*—clear glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

*Colored glass*—colored glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

*Commencement date*—January 1, 2004, the date upon which the Township's recycling program and permitted collector program begin.

*Commingled*—designated recyclable materials (1) which have been segregated from regulated municipal waste but which have not been separated into different types of recyclable materials and (2) which have been placed in a recycling container for the purpose of collection.

*Community activities*—events that are sponsored by public or private agencies or individuals, including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

*Composting*—the process by which solid organic waste is biologically decomposed under controlled aerobic or anaerobic conditions to yield a humus-like product.

*Curbside*—the correct location for the placement of refuse containers and recycling containers for the purpose of collection by the permitted collector, which shall be (1) adjacent to the residential unit, and (2) no more than 5 feet from the public street used by collection vehicles.

*Customer*—a person who independently contracts with a permitted collector for the collection of regulated municipal waste and designated recyclable materials.

*Designated recyclable materials*—those recyclable materials designated in §20-205 of this Part for source separation.

*Existing contract*—any contract for the storage, collection, transportation, processing or disposal of regulated municipal waste or designated recyclable materials generated or located within the Township which (1) was legally entered into prior to the effective date of this Part, and (2) when entered into was legally enforceable.

*Facility*—any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which solid waste or source separated recyclable materials, or any portion of solid waste or source separated recyclable materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of solid waste or source separated recyclable materials.

*Farm*—a tract of land containing 10 or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

*Generator*—a person who produces or creates any solid waste.

*Hazardous waste*—garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include: (a) coal refuse as defined in the Coal Refuse Disposal Control Act, 52 U.S.C.A. §§30.51–30.62, (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law, 35 P.S. §691.1–691.1001, (c) solid or dissolved material in domestic sewage, (d) solid dissolved materials in irrigation return flows, (e) industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, 33 U.S.C.A. §1342, or (f) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C.A. §§2011–2394.

*LCSWMA*—the Lancaster County Solid Waste Management Authority, a

municipal authority organized and existing under the Municipality Authorities Act, 53 P.S. §301 *et seq.*, as amended.

*LCSWMA facility*—any facility owned or operated by or on behalf of LCSWMA.

*Manifest*—a form supplied by LCSWMA to be completed and signed by each person who collects or transports solid waste or source separated recyclable materials and which specifies, inter alia, (1) the source, type, quantity and delivery point for the solid waste or source separated recyclable materials, (2) the applicable license number, and (3) other pertinent information.

*Multi-family unit*—a property which contains four or more residential units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

*Municipality*—West Cocalico Township.

*Municipality's policies and procedures*—the rules and regulations adopted and revised from time to time by the Township which govern and pertain to (1) the Township's recycling program and (2) the on-site collection or storage of regulated municipal waste within the Township.

*Newsprint*—paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

*Nonresidential units*—all commercial, municipal and institutional establishments, all community activities and all farms, excluding residential units and multi-family units.

*Open burning*—a fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

*Permitted collector*—a person who is in possession of all pertinent permits and licenses which may be required by (1) the Commonwealth of Pennsylvania and LCSWMA for the off-site collection, transportation, storage or disposal of solid waste or recyclable materials and (2) the Township for the on-site collection of solid waste or recyclable materials generated within the Township.

*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.

*Plastics*—recyclable plastics are identified on the bottom of the container and consist of two types of containers, namely: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

*Recyclable materials*—any material which would be regulated municipal waste but for source separation and which will be processed into raw materials or products or which are beneficially reused.

*Recycling*—the separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as solid waste or the mechanized separation and treatment of solid waste and creation and recovery of reusable materials.

*Recycling container*—for residential units, the term “recycling container” shall refer to the container supplied by the Township. For multi-family units and

nonresidential units, the term “recycling container” shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has adequate strength for lifting.

*Refuse container*—a container which is (1) constructed of plastic, metal, or fiberglass, and which has handles of adequate strength for lifting and a tight fitting lid capable of preventing entrance into the container by vectors or (2) a polyethylene bag which (a) is specifically designed for storage and collection, (b) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents, and (c) has a holding strength capable of withstanding normal stresses until it is collected.

*Regulated municipal waste*—any solid waste generated or collected within the Township which, is garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous materials, resulting from operation of residential, municipal, commercial or institutional, establishment and from community activities and any sludge not meeting the definition of residual waste or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include designated recyclable materials or unacceptable waste.

*Residential unit*—any single-family detached, semi-detached or townhouse dwelling, or a dwelling unit within a building containing three or fewer dwelling units, excluding farms.

*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, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (1) coal refuse as defined in the Coal Refuse Disposal Act, 52 P.S. §30.51 *et seq.*, or (2) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law, 35 P.S. §691.1 *et seq.*

*Scavenging*—the removal of designated recyclable materials in violation of §20-207 of this Part.

*Single stream*—a system where recyclable materials; commonly fibers and glass, metal and plastic containers; are collected and processed together.

*Solid waste or waste*—any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

*Source separate or source separation*—the process of separating, or the separation of designated recyclable materials from other solid waste at the location where generated for the purpose of recycling.

*Steel cans*—the ferrous metal food or beverage containers commonly known as “tin cans.”

*Tires*—any pneumatic rubber automobile, truck, or farm implement tire.

*Unacceptable waste*—the following types of solid waste are unacceptable waste

unless approved by LCSWMA on a case-by-case basis:

- (1) Chemotherapeutic waste.
- (2) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue.
- (3) Explosives and ordnance materials.
- (4) Gas cylinders, unless empty and delivered separate from other solid waste.
- (5) Hazardous waste.
- (6) Infectious/pathological waste.
- (7) Radioactive materials.

*White goods*—a portion of regulated municipal waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

*Yard waste*—all garden residues, leaves, shrubbery, tree trimmings, grass clippings, and sod.

(*Ord. 101, 10/2/2003, §1; as amended by Ord. 125B, 9/16/2014*)

**§20-202. On-Site Collection of Regulated Municipal Waste and Designated Recyclable Materials.**

1. *Collection and Recycling.*

A. No person other than a permitted collector shall collect on-site regulated municipal waste or designated recyclable materials generated in any residential unit or multi-family unit, except that a person may collect such waste or recyclable materials which were generated at such person's residence.

B. Each permitted collector who provides regularly scheduled service for the collection of regulated municipal waste from a residential unit or multi-family unit shall also collect designated recyclable materials from such residential unit or multi-family unit. Each permitted collector shall establish, and notify each customer, of procedures for the source separation, segregation and packaging of regulated municipal waste and designated recyclable materials. Such procedures shall permit commingling of all aluminum, clear glass, colored glass, steel, cans, and plastics, in a single recycling container. Newsprint shall either be bagged or bundled in accordance with instructions from the permitted collector to the customer. Each permitted collector shall schedule collections for tires and white goods at least once annually and shall give customers at least 30-day advance notice of the schedule for such collections.

C. Each permitted collector shall complete monthly LCSWMA manifests, as required, reporting the amount of regulated municipal waste and designated recyclable materials collected in the Township. Each permitted collector shall submit copies of LCSWMA manifests to the Township, upon request.

D. The schedule for collection of regulated municipal waste and designated recyclable materials shall be as specified in the Township's policies and procedures.

E. Recycling containers for residential units will be provided by the Township

which shall retain title to all such recycling containers. Permitted collectors shall distribute recycling containers to all of their residential unit and multi-family unit customers in accordance with guidelines to be established by the Township.

2. *General.*

A. All regulated municipal waste and designated recyclable materials generated or collected in the Township shall be delivered directly to a facility in accordance with the LCSWMA rules and regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such regulated municipal waste and designated recyclable materials from the time of its collection until the time of its delivery to the facility.

B. No permitted collector who collects or disposes of regulated municipal waste or designated recyclable materials shall, by contract or otherwise, cause, permit or assist in the storage, collection, processing or disposal of designated recyclable materials in a manner which treats such materials as regulated municipal waste or which is otherwise inconsistent with source separation or recycling. Any delivery of designated recyclable materials to a LCSWMA facility in accordance with the LCSWMA rules and regulations shall be deemed to satisfy the requirements of this Section.

C. Each permitted collector shall give written notice to each customer of such permitted collector's obligations under this Part and particularly the requirement to offer collection services for designated recyclable materials.

D. Each permitted collector shall collect and deliver separately, to a LCSWMA facility battery drop-off location, all battery bags placed at curbside by residential units.

(*Ord. 101, 10/2/2003, §2*)

**§20-203. Collector Permits.**

1. All persons who desire to collect, store, process or dispose of regulated municipal waste or designated recyclable materials within the Township shall obtain a collection permit from the Township prior to performance of any such activities.

2. Every person desiring a collection permit under this Part shall make application to the Township. Such application shall include the name and address of the person making application, proof of a valid license issued by LCSWMA and the Commonwealth of Pennsylvania, identification of other municipalities which have permitted that person, and whether any licenses or permits have been revoked by LCSWMA or any other municipality which requires permitting of haulers.

3. Applicants for a collection permit to operate as a permitted collector within the Township shall demonstrate that:

A. A valid license has been issued by LCSWMA to the applicant.

B. Applicant's operation is in conformity in all respects with the rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA, and all Township ordinances and the Township policies and procedures.

C. Regulated municipal waste and designated recyclable materials, while in the possession of the permitted collector, shall be suitably enclosed or covered so



as to prevent roadside littering, attraction of vectors, or the creation of other nuisances.

D. All disposal of regulated municipal waste other than designated recyclable materials shall be at a facility.

E. All designated recyclable materials properly separated as provided in this Part shall be recycled and shall not be disposed of as regulated municipal waste.

F. Insurance shall be obtained for the applicant's proposed operation in the Township. A certificate of insurance demonstrating limits as follows:

(1) Required liability insurance—the minimum liability insurance required under State law.

(2) General liability—bodily injury, \$100,000 per occurrence, and property damage, \$100,000 per occurrence.

(3) Worker's compensation—as required by law.

G. All equipment to be used has been properly licensed and inspected, and all operators have valid operator's licenses for the class of vehicle operated.

H. The permitted collector has established a reasonable schedule of collection and will adhere to such schedule.

4. All Township collection permits shall be issued for a period of 1 year or longer. The Township's policies and procedures may designate a sticker or other mechanism to be affixed to all collection equipment in order to verify that the equipment is properly permitted.

5. Collection permits may be suspended or revoked by the Township at any time for just cause. Just cause shall include, but not be limited to, where the permitted collector:

A. Fails to maintain a valid license issued by LCSWMA and/or the Commonwealth of Pennsylvania.

B. Violates any of the provisions of this Part or the Township's policies and procedures.

C. Improperly disposes of designated recyclable materials or regulated municipal waste.

D. Scavenges.

E. Fails to perform in good faith all the covenants of any agreement entered into with customers.

F. Fails to make regularly scheduled collection pursuant to a previously established schedule.

G. Commits any illegal act or any fraudulent or unfair business practice within the Township.

6. Any person who has been denied a collection permit or whose collection permit has been suspended or revoked may appeal the denial, suspension or revocation to the Township. Such appeal shall be made in writing within 10 days after such decision has been made and notice has been mailed to the permitted collector. The appeal shall be verified by an affidavit and shall be filed with the Township Secretary. The appellant or his representative shall have the right to appear and be heard by the Board of

Supervisors at a regularly or specially scheduled public hearing, held within 60 days of receipt of the notice to appeal if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the Township, and no appeal shall be considered complete without the payment of the appeal fee. A prompt decision on such appeal shall be made by the Board of Supervisors and communicated to the appellant in writing.

7. Collection permits are not transferrable to any other person.

(*Ord. 101, 10/2/2003, §3*)

#### **§20-204. Responsibilities of Residential Units and Multi-Family Units.**

1. Each person who owns or occupies a residential unit or multi-family unit is encouraged to source separate designated recyclable materials from regulated municipal waste separated at such residential or multi-family unit. Each person may elect to provide proper collection and disposal of regulated municipal waste and designated recyclable materials generated at such residential units or multi-family units by either (A) themselves delivering such materials to a facility, or (B) utilizing a permitted collector to collect and deliver such materials to a facility.

2. Each person who owns a multi-family unit is encouraged to:

A. Provide recycling containers at easily accessible locations for source separation of designated recyclable materials.

B. Provide written instructions to all persons occupying each multi-family unit to ensure that all designated recyclable materials are source separated.

C. Provide collection and delivery to a facility of source separated designated recyclable materials at a frequency of not less than once per month.

3. Prior to collection, residential units and multi-family units shall be responsible to insure, through closed or covered containers, that regulated municipal waste and designated recyclable materials shall not become roadside litter, attract vectors, or create a nuisance.

(*Ord. 101, 10/2/2003, §4*)

#### **§20-205. Designated Recyclable Materials.**

1. Each person who elects to participate in recycling pursuant to this Part may source separate the following recyclable materials:

A. Clear glass.

B. Colored glass.

C. Aluminum.

D. Steel cans.

E. Plastic.

F. Newsprint.

G. Tires.

H. White goods.

2. Each person who owns or occupies a multi-family unit may source separate the following recyclable materials:

- A. Clear glass.
- B. Colored glass.
- C. Aluminum.
- D. Steel cans.
- E. Plastic.
- F. Tires.
- G. White goods.

(*Ord. 101, 10/2/2003, §5*)

**§20-206. Illegal Dumping and Open Burning.**

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable materials except at a facility or in preparation for collection by a permitted collector as provided herein. Notwithstanding the foregoing, yard waste may be composted to the extent and in the manner provided in the Township's policies and procedures on the property on which such yard waste was generated.

2. No person shall, process or dispose of any designated recyclable materials through open burning.

(*Ord. 101, 10/2/2003, §6*)

**§20-207. Scavenging.**

From the time of placement for collection of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator or the permitted collector who has contracted to provide collection. It shall be a violation of this Part for any person, other than such permitted collector, to collect or pick up, or cause to be collected or picked up, any such designated recyclable materials. Nothing in this Section shall be deemed to include the collection of roadside litter or uncontained refuse for proper disposal or recycling.

(*Ord. 101, 10/2/2003, §7*)

**§20-208. Existing Contracts.**

1. Nothing in this Part shall be construed to impair the obligations of any existing contract.

2. No renewal or modification of any existing contract, and no new contract for the storage, on-site collection, processing or disposal of regulated municipal waste or designated recyclable materials, shall be entered into after the effective date of this Part unless the permitted collector shall have a valid permit and such renewal modification, or new contract shall conform to the requirements of this Part and the Township's policies and procedures.

3. No contract which is entered into renewed, extended, modified or assigned after the effective date of this Section shall provide for on-site collection services for regulated municipal waste to be performed after the commencement date unless on-site collection services are also offered for designated recyclable materials. With respect to any contract which violates this Part, such contract shall be deemed void and the permitted collector that is a party to such contract (A) shall reimburse to the applicable residential

units and multi-family units any funds which have been paid for such on-site collection services as violate this Part, and (B) shall not collect or attempt to collect any funds for such on-site collection services which are in violation of this Part.

*(Ord. 101, 10/2/2003, §8)*

**§20-209. Authorization of Township.**

The Township shall have the power to adopt from time to time by resolution the Township's policies and procedures governing all matters set forth in this Part and any other related matters as may be deemed necessary or convenient by the Township. The Township's policies and procedures shall be effective when adopted and issued in writing. The Township shall have the power to establish record and reporting requirements, and standards and procedures for the issuance, administration and revocation of collection permits, as deemed necessary, including without limitation, (A) application procedures, fees, standards and conditions for collection permits, (B) the fixing of a monetary bond, with or without surety, to secure the compliance by any permitted collector with any such requirements, standards or procedures, and (C) any other matters deemed necessary or convenient by the Township. In the event of suspension or revocation of any license or permit which is issued by the Township or LCSWMA, the person whose collection permit is suspended or revoked shall refund to each customer any prepaid fees, prorated to the date such revocation becomes final.

*(Ord. 101, 10/2/2003, §9)*

**§20-210. Unlawful Activity.**

It shall be unlawful for any person to violate, or cause or permit or assist in the violation of, any provision of this Part. All unlawful conduct shall also constitute a public nuisance.

*(Ord. 101, 10/2/2003, §10)*

**§20-211. Penalty.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 101, 10/2/2003, §11; as amended by Ord. 125B, 9/16/2014)*

**§20-212. Persons Liable.**

For purposes of the obligations established by this Part or the Township's policies and procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "person," "residential unit" and "multi-family unit" shall (A) include officers and directors of any corporation or other legal entity having officers and directors and (B) refer to, and impose joint and several liability upon, both (1) the person residing in or occupying any such residential or multi-family units and (2) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium

owner's association of such premises. Further, the term "permitted collector" shall include any entity, partnership, proprietorship, or corporation and the owners and/or officers of same.

*(Ord. 101, 10/2/2003, §12)*

**§20-213. Injunctive Relief.**

In addition to any other remedy provided in this Part, the Township may institute proceedings to restrain any violation of, or to require compliance with, this Part.

*(Ord. 101, 10/2/2003, §13)*

**§20-214. Concurrent Remedies.**

The existence or exercise of any remedy provided by this Part shall not prevent the Township from exercising any other remedy available at law or equity.

*(Ord. 101, 10/2/2003, §14)*

