

WASHINGTON TOWNSHIP  
FRANKLIN COUNTY, PENNSYLVANIA  
ORDINANCE NO. 125

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL WASTE, AND RECYCLING, PURSUANT TO THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, THE ACT OF JULY 28, 1988, P.L. 556, NO. 101, ET SEQ. (53 P.S. SECTION 4000.101 THROUGH SECTION 4000.1904, AS AMENDED); AND FURTHER PURSUANT TO THE SOLID WASTE MANAGEMENT ACT, THE ACT OF JULY 7, 1980, P.L. 380, NO. 97, SECTION 101, ET SEQ. (35 P.S. SECTION 6018.101 THROUGH SECTION 6018.1003, AS AMENDED) AND THE APPLICABLE PROVISIONS OF THE SECOND CLASS TOWNSHIP CODE.

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BE IT ENACTED AND ORDAINED, AND IT IS ENACTED AND ORDAINED, BY THE AUTHORITY OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, FRANKLIN COUNTY, PENNSYLVANIA, AS FOLLOWS:

PART I - GENERAL

**SECTION 1. SCOPE**

This Ordinance shall govern and control all aspects of the collection, storage, transportation, processing, and disposal of municipal waste, and recycling, in Washington Township. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal, and institutional establishments, and community activities.

**SECTION 2. PURPOSE**

This Ordinance is being enacted in an effort to implement a recycling program in order to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing and disposal facilities.

**SECTION 3. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. "Agent" - One who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefor).
- B. "Aluminum Cans" - empty, all-aluminum beverage and food containers.
- C. "Applicant" - a person desirous of being licensed as a hauler or of being issued a recyclable collection permit, as the case may be.
- D. "Authorized Collector" - a licensed hauler (as defined herein); a recyclable collection permittee (as defined herein); or a person who, being so authorized by the terms of this Ordinance, removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent (as defined herein) of another person.
- E. "Bimetallic Cans" - empty food or beverage containers consisting of both steel and aluminum.
- F. "Bulky Items" - Discarded "white goods" (major appliances), televisions, mattresses, furniture, air conditioner and similar household items.
- G. "Composting" - The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.
- H. "Composting facility" - A facility using land for processing of municipal waste by composting.
- I. "Collector" - any person who collects, for removal from premises, municipal waste or recyclables.
- J. "Commercial" - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, financial or professional service or office enterprise, business, or establishment.
- K. "Community Activity" - an activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefor.
- L. "Corrugated Paper" - structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

- M. "Curbside Collection" - a method of collection of residentially generated recyclables and municipal waste by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside (along the street) or within the private right of way fronting along their property or which provides access to the property, at times designated by the Washington Township Supervisors or the collector, for collection and removal by an authorized collector for delivery to a recycling center.
- N. "Disposal" - the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.
- O. "Disposal Area" - any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.
- P. "Garbage" - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- Q. "Glass Containers" - all empty food and beverage jars or bottles made from silica or sand, soda ash, and limestone, the product being transparent or translucent (either clear, green or brown), excluding, however, blue glass, flat glass, plate glass, glass commonly known as "window glass", automotive glass, and ceramic and porcelain products.
- R. "High-Grade Office Paper" - any white paper other than newsprint, magazines, or other chemically coated paper or corrugated paper, of the type commonly used for letter-writing stationery, note paper, plain paper, photocopying machines, computer printers, and other general-purpose paper, whether or not any printed or written matter is contained thereon.
- S. "Institutional" - of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches, and social or fraternal societies and organizations.
- T. "Landlord" - the owner of residential property, or such owner's authorized agent or representative.
- U. "Leaf Waste" - leaves, garden residues, shrubbery and tree trimmings (less than 4' in length and 2" in diameter), and similar material, but not including grass clippings.

- V. "Leaf Composting Facility" - a facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings. The term does not include a facility that is used entirely or partly for composting grass clippings.
- W. "Licensed Hauler" - a person licensed by Washington Township to collect, haul, transport, and dispose of municipal waste and recyclables.
- X. "Magazines" - printed matter, also known as "periodicals", containing miscellaneous written prices published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.
- Y. "Multi-Family Housing Property" - a type of residential property either under single ownership by a person or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.
- Z. "Municipal" - of or pertaining to any office or other property under the control of any branch or arm of the federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to Washington Township, any counties, cities, boroughs, townships, and municipal authorities.
- AA. "Municipal Waste" - an all-encompassing, most general term meaning any garbage, refuse, industrial lunchroom or office waste and other material including, solid, liquid, semi-solid, or contained gaseous material, resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities, except: (1) farm-produced manure; (2) other agricultural waste; (3) food processing waste used on land where such materials will improve the condition of the soil, the growth of crops, or the restoration of the land for the same purposes; and (4) any sludge not meeting the definition of "residual or hazardous waste as defined in Commonwealth of Pennsylvania Solid Waste Management Act; but excluding recyclables.
- BB. "Newsprint" - paper of the type commonly referred to as newspaper" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newsprint" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper, and any other paper products of any nature.

- CC. "Person" - any individual, partnership, cooperative enterprise, municipality, 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. In any provisions of the Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.
- DD. "Plastic Beverage Carrier" - plastic rings or similar plastic connectors used as holding devices in the packaging of beverages, including, but not limited to all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda, and beer.
- EE. "Plastic Containers" - empty plastic food and beverage containers, the specific types of which may, from time to time, be designated by resolution of the Washington Township Supervisors.
- FF. "Private Household Waste" - solid waste generated in a residence.
- GG. "Processing" - any technology used for the purpose of reducing the volume or bulk of municipal waste, or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities, and resource recovery facilities.
- HH. "Public Container" - any device owned by any local, state or federal government in which solid waste is held for storage or transportation.
- II. "Recyclable Collection Permittee" - a person authorized by the Township, through the issuance of a permit therefore, to collect, transport, and dispose of recyclables exclusively (and not municipal waste) for persons other than himself, his immediate family, or persons for whom he is acting as an agent (as defined herein).
- JJ. "Recyclables" - materials designated as recyclables in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled.
- KK. "Recycling" - the collection, separate maintenance, recovery, and sale or reuse of recyclables which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and



recovery of reusable materials other than a fuel for the operation of energy.

- LL. "Recycling Center" - a facility designed to, and which does, act as a collection center for the processing, storage, and shipment of recyclables. The term specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.
- MM. "Residential" - of or pertaining to any dwelling unit used as a place of human habitation and which is not commercial, municipal, institutional, or a community activity. Home occupations incidental to the residential use within a building are considered "residential".
- NN. "Resource Recovery Facility" - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recovery energy. The term does not include:
- (1) any composting facility;
  - (2) methane gas extraction from a municipal waste landfill;
  - (3) any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste; and
  - (4) any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.
- OO. "Rubbish" - leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, and all solid combustible matter not included in this section under the definition of "Garbage".
- PP. "Solid Waste" - waste, including, but not limited to, municipal, residual or hazardous wastes (as defined in 'The Solid Waste Management Act' of Pennsylvania), including solid, liquid, semisolid or contained gaseous materials.

- QQ. "Steel Cans" - empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.
- RR. "Storage" - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.
- SS. "Township" - Washington Township, Franklin County, Pennsylvania.
- TT. "Transportation" - the off-site removal of any municipal waste at any time after generation thereof.
- UU. "Trash" - any solid waste, excluding food waste.
- VV. "Waste" - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Resources for beneficial use.
- WW. "Yard Waste" - grass clippings, prunings and other discarded materials from yards and gardens.
- XX. "Yard Waste Composting Facility" - a facility that is used to compost grass clippings, including a facility that is used to compost leaf waste.

#### **SECTION 4. DUMPING/LITTER**

**A. Dumping and Littering Prohibited.** It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding, or depositing of, any solid waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection, however, if proper containers cannot be obtained for the purposes of storage or collection, then the solid waste or recyclables may be stored or collected without containers. It shall be unlawful for any person to dump or deposit any solid waste or recyclables in any stream, body of water or on any public right-of-way within the Township.

**B. Presumption of Ownership.** The presence of any articles containing a person's name among solid waste or recyclables shall create a rebuttable presumption, for purposes of this Ordinance, that said solid waste or recyclables are the property of the person whose name is found therein. This presumption can only be rebutted by clear and convincing evidence to the contrary.

C. Agricultural Activities. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm produced agricultural waste, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

**SECTION 5. PREPARATION AND STORAGE OF MUNICIPAL WASTE**

A. General. The storage of all municipal waste shall be practiced so as to prevent the attractions, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance.

B. Standards for Accumulation and Storing. Any person accumulating or storing municipal waste on private or public property in the Township for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:

1. Containers used for the storage of municipal waste shall be metal, plastic or fiberglass construction; rust and corrosion resistant, equipped with lids and waterproof (except that lids shall be optional on large bulk containers commonly known as "dumpsters").
2. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers described above, and all ashes shall be free of any burning material before being deposited for collection.
3. No person, except the occupants of the property on which a waste container is placed, an authorized licensed hauler, and a Township official, employee or agent shall remove the lids of the container and/or remove the contents thereof.
4. All hazardous waste (as defined in 'The Solid Waste Management Act' of Pennsylvania), including but not limited to municipal waste of a highly flammable or explosive nature, or highly infectious or contagious municipal waste, shall not be stored for ordinary collection, but shall be specifically disposed of in accordance with the directions of the Township or of

any State or Federal authority having jurisdiction thereof.

5. Containers, other than bulk containers, shall be placed at such locations as may be agreed upon by the person and the authorized licensed hauler.
6. Plastic bags may be used as inserts in the containers.
7. Containers may be placed at the agreed location for pickup not earlier than 5:00 p.m. of the day prior to the day of collection.
8. Bulk containers (such as dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector which will enable clear and easy access to the container by the collector's vehicle.
9. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located, if it is located on private property.

#### **SECTION 6. REQUIRED COLLECTION AND HOURS OF COLLECTION**

**A. Property Owner Compliance.** All owners of property within the Township shall provide for the regular preparation, collection and removal of all municipal waste generated at such properties in one of the approved manners set forth herein.

**B. Self-Collection and Removal.** If a person, agent or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum of every thirty (30) days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly, or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this Ordinance.

**C. Contracts with Licensed Haulers.** Every owner or occupant of residential property and every other person who, or establishment which, does not collect and remove their own municipal waste, as aforesaid, shall contract with a licensed hauler for the regular, scheduled curbside collection and removal of the municipal waste at least once each week. Municipal waste shall be prepared for collection

and be collected and removed from such persons' or establishments' properties at least once each week, except where conditions beyond the control of the licensed hauler prevent it. No person other than a licensed hauler or an agent shall collect or remove municipal waste from any other person's property.

All agreements for collection, transportation, and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the licensed hauler who is to collect such waste.

**D. Collection on Sunday Prohibited.** Licensed haulers shall not collect residential municipal waste from properties within the Township limits on Sunday.

**E. Township Collection/Contracts.** Nothing herein shall limit the right of the Township to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by law.

**F. Private Hauling Permitted.** Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste on an irregular and unscheduled basis to a facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources, and which is approved for disposal in the Franklin County Solid Waste Plan provided that such hauling shall be in addition to and not in place of, the regular removal of municipal waste as required by this section and provided that such is not in violation of any county or other municipal law or regulation.

**G. Recyclables; Leaf Waste.** Nothing in this section shall modify the requirements in this Ordinance, pertaining to separation and disposal of recyclables. Nothing in this section shall impair the ability of the Township to provide a system of placement for removal and public collection of leaf waste, or the Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

#### **SECTION 7. TRANSPORTATION OF MUNICIPAL WASTE**

Any person transporting municipal waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal waste.

All persons authorized to collect municipal waste shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.

#### **SECTION 8. PUBLIC CONTAINERS**

The use of public containers for the disposal of private household waste will be prohibited.

**SECTION 9. DISPOSAL OF LEAF WASTE**

Unless otherwise providing for composting, all persons shall keep leaf waste separate from all other forms of municipal waste and separate from recyclables. Such waste shall be set out for collection in a manner to be designated by the Collector and shall be disposed of by the Collector in accordance with Pennsylvania Department of Environmental Resources's Regulations.

Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other agricultural purposes.

**PART II - RECYCLING**

**SECTION 10. SEPARATION OF RECYCLABLES**

**A. General.** Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions and the hauler's guidelines:

1. Owners and occupants of all residential property shall keep separate from other waste but may co-mingle (mix) the following recyclables: clear glass, colored glass, and aluminum, steel and bimetallic cans; and newsprint which shall each be tied or bundled separately."
2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate from other waste but may co-mingle (mix) the following recyclables: clear glass, colored glass, aluminum, steel and bimetallic cans. Corrugated paper, high-grade office paper and newsprint shall each be tied or bundled separately."
3. Alternatively the Township Supervisors may by Resolution enumerate alternative recyclables which will be required to be separated from municipal waste and collected in accordance with this ordinance.

**B. Paper Products; Metal; Glass, Limitations.** Corrugated paper, high-grade office paper and newsprint shall be placed in easy-to-manage bundles not to exceed forty (40) pounds and kept dry. Glass containers and aluminum, steel and bimetallic cans shall be emptied. Aluminum, steel and bimetallic cans and glass containers may be mixed together and shall be placed in containers which when full shall not exceed

forty (40) pounds. Lids shall be removed from all glass containers. High-grade office paper shall be placed in containers not to exceed forty (40) pounds. Recyclables shall not be placed in the same garbage can or other container as, or otherwise mixed with, municipal waste for collection, removal or disposal. Recyclables shall not be placed in plastic bags, or corrugated boxes.

**C. Alternative Procedures.** Recyclables may be set out for collection in a manner different from the requirements in paragraphs 10.B (above) if an alternative manner is designated by the collector and which is approved by the Township.

**SECTION 11. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES - RESIDENTIAL (OTHER THAN MULTI-FAMILY HOUSING PROPERTIES).**

**A. General.** For residential properties other than multi-family housing projects, all recyclables which are required to be kept separate in residential properties pursuant to Section 10, above, shall be placed at the appropriate location on the premises to be collected at times designated by the licensed hauler or recyclable collection permittee. The frequency of such collection shall be not less than once per month.

**B. Licensed Hauler; Location of Recyclables.** If the recyclables are to be collected by a licensed hauler, then the recyclables shall be set out within the public right-of-way for collection.

**C. Other Collectors; Location of Recyclables.** If the recyclables are to be collected by an authorized collector other than a licensed hauler then the recyclables shall be placed at an area other than within the public right-of-way.

**SECTION 12. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES - MULTI-FAMILY HOUSING PROPERTIES**

**A. General.** For multi-family housing properties, all recyclables which are required to be kept separate, in residential properties pursuant to Section 10, above, shall either be delivered directly to a recycling center, or shall be picked up by a recyclable collection permittee or a licensed hauler separately from municipal waste, in a pre-arranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection. The landlord of every multi-family housing property shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this Ordinance governing separation and disposal or placement for removal of recyclables in multi-family housing properties. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such properties.

The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.

**B. Compliance.** Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to multi-family housing properties shall not be liable for the noncompliance of occupants of their building.

**SECTION 13. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES - COMMERCIAL, MUNICIPAL AND INSTITUTIONAL AND COMMUNITY ACTIVITIES**

All recyclables which are required to be kept separate in commercial, municipal, and institutional establishments and properties and community activities pursuant to Section 10, above, shall either be delivered directly to a recycling center, or shall be picked up by a recyclable collection permittee or a licensed hauler separately from municipal waste, in a pre-arranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection.

**SECTION 14. RECYCLING REPORTS FOR MULTI-FAMILY HOUSING PROPERTIES**

**A. Reports Required.** The landlord of every multi-family housing property or his agent or representative shall complete a form to be designated "Recycling Report -- Multi-Family Housing Properties", to be provided by the Township, which shall indicate where the property's recyclables were delivered.

**B. Responsibility; Time for Submitting.** The "Recycling Report" and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and Recycling Reports quarterly to the Township, the Collector who removed the recyclables from the property shall be the agent for the landlord and shall be responsible for completing and submitting such to the Township. Each such quarterly report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar year basis thus: January through March; April through June; July through September; and October through December.

**SECTION 15. RECYCLING REPORTS FOR COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES**

**A. Reports Required.** Every commercial, municipal, and institutional establishment and community activity sponsor shall complete a form to be designated "Recycling Report -- Commercial, Municipal and Institutional Establishments and Community Activities,"



to be provided by the Township, which shall indicate where the establishment's or activity's recyclables were delivered.

**B. Responsibility; Time for Submitting.** The Recycling Report and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken, shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and Recycling Reports quarterly to the Township, the collector who removed the recyclables from the property shall be the agent for the operator of the establishment or sponsor of the activity and shall be responsible for completing and submitting such to the Township. Each such quarterly Recycling Report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis, thus: January through March, April through June; July through September; and October through December.

#### **SECTION 16. COLLECTION BY UNAUTHORIZED PERSON**

From the time of placement for collection of residentially generated recyclable items for collection in accordance with the terms of this Ordinance, the items shall be and become the property of the Township or its authorized agent. It shall be a violation of this Ordinance for any person unauthorized by the Township to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute separate and distinct offense punishable as hereinafter provided.

It shall be unlawful for a person to collect, remove, or dispose of municipal waste which contains recyclables required by that person to be separated, combined therewith.

### **PART III - COLLECTOR'S DUTIES**

#### **SECTION 17. AUTHORIZATION OF COLLECTORS**

**A. General.** It shall be unlawful for any person, other than such persons as are duly authorized by the Township to collect and to transport municipal wastes of any nature or recyclables within or from the Township.

**B. Authorization Required.** Authorization to collect, transport, and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent (as defined in this Ordinance) may be given only by the Township through the issuance of a "Hauler's License" or a "Recyclable Collection Permit". A person who collects recyclables only shall apply for and obtain a Recyclable Collection Permit. A person who collects municipal waste exclusively or in addition to recyclables shall apply for and obtain a Hauler's License.

**C. Rules and Regulations.** The Board of Supervisors may, from time to time, by resolution, promulgate Rules and Regulations reasonable and necessary for the proper and effective administration of this Ordinance. The Board may also, from time to time, revise or alter application forms and any other forms reasonable and necessary to the proper and effective administration of this Ordinance.

**D. Compliance by Haulers and Remittees.** All licensed haulers and recyclable collection permittee shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit, and to service each of their customers in accordance with the requirements of this Ordinance and Rules & Regulations as may be promulgated from time to time by resolution of the Board of Supervisors; any failure of which shall be a violation of this Ordinance.

**E. Limited Exemptions.** Collectors of bulky items, trash and rubbish who collect on a unscheduled, sporadic basis, (such as "You call, We haul" operators) shall be exempt from these regulations.

**F. Approval of Applications.** All applications for such licenses or permits shall be evaluated and approved in accordance with the criteria set forth in the Rules and Regulations.

**SECTION 18. LICENSED HAULERS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR RESIDENTIAL PROPERTIES**

Every hauler, as a precondition to being licensed to do business within the Township, shall be required to provide to its residential customers the service of removing recyclables from their properties at the curbside (within the public right-of-way). Any such recyclables so removed by licensed haulers shall be kept separate from municipal waste, and shall be taken to a recycling center. Licensed haulers shall take all of their customers recyclable materials to a recycling center.

**SECTION 19. LICENSED HAULERS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR COMMERCIAL, MUNICIPAL, AND INSTITUTIONAL ESTABLISHMENTS AND PROPERTIES**

Every hauler, as a precondition to being licensed to do business within the Township, shall be required to provide to its commercial, municipal, institutional, and multi-family housing property customers the service of removing recyclables from their properties. Any such recyclables so removed by licensed haulers shall be kept separate from municipal waste, and shall be taken to a recycling center. Licensed haulers shall take all of their customers' recyclable material to a recycling center.

**SECTION 20. LICENSED HAULERS NOT TO ACCEPT UNLAWFULLY  
DISPOSED OF RECYCLABLES**

**A. Hauler Responsibilities.** No licensed hauler shall accept, pick up, or remove any bag or other container of municipal waste which the hauler knows, or has reason to believe, contains recyclables required to be separated, combined with municipal waste.

**B. Administration.** Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pick-up, the hauler shall affix a tag or sticker to the container containing the recyclables (which tag or sticker will be provided by the hauler,) retain a duplicate for his records, and deliver a triplicate to the designated office of the Township within 48 hours. When the hauler utilizes a tag or sticker pursuant to this section, he shall fill in the information requested thereon, including the address at which the container is located and the reason which led him to know or believe the container contained recyclables (e.g., he saw newspaper or he heard bottles rattling). The hauler shall leave such container with the tag or sticker placed thereon where he found it.

**SECTION 21. LICENSED HAULERS TO PROVIDE BULKY  
ITEMS REMOVAL SERVICE**

All licensed haulers doing business within the Township shall make available to their customers the service of removal of "bulky items" not less frequently than once per year.

**SECTION 22. MISSED PICK-UP**

In the event of any missed pick-up, the collector shall collect from the missed location before the end of the next business day.

**SECTION 23. COMPLAINTS**

All complaints regarding collection of recyclables or solid waste shall initially be reported to the Collector. Any reasonable complaint shall be given prompt and courteous attention by the Collector. In the case of missed collection, the collector shall collect from the missed collection site before the end of the next business day after the complaint is received. Any complaint which the collector fails to resolve shall be reported in writing to the Township.

**SECTION 24. COMMUNITY ORIENTATED CHARITABLE ACTIVITIES**

**A. Voluntary Projects: Authorization Required.** Nothing contained herein shall impair or prohibit any recognized religious, civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an

authorized collector. Prior to initiating such activity the organization shall obtain authorization from the Township.

B. Sale/Donation of Recyclables. Nothing herein shall be deemed to prohibit any person from donating or selling any recyclables to individuals or organizations unless or until such recyclables are placed at curbside or similar location for collection by an authorized collector.

#### PART IV - MISCELLANEOUS PROVISIONS

##### SECTION 25. VIOLATION AND PENALTY

Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days. Provided: each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For purpose of this section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.

##### SECTION 26. SEVERABILITY

In the event any of the provisions of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall continue in full force and effect though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof.

##### SECTION 27. CONSTRUCTION

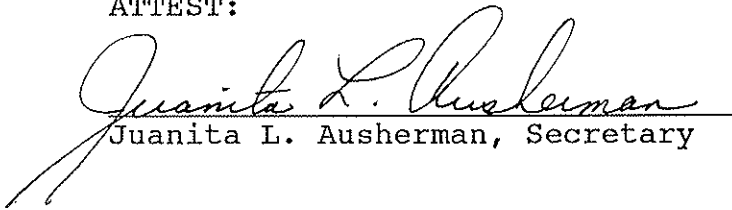
The various headings used throughout this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance. In this Ordinance, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

##### SECTION 28. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the 1st day of July 1992.

ENACTED AND ORDAINED into an Ordinance this 1<sup>ST</sup> day  
of JUNE, 1992.

ATTEST:

  
\_\_\_\_\_  
Juanita L. Ausherman, Secretary

BOARD OF SUPERVISORS

By \_\_\_\_\_  
~~Dorsey H. Dick, Chairman~~  
PAUL G. BENCHOFF, VICE