

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE No. 2003 – 193

"SOLID WASTE MANAGEMENT AND RECYCLING ORDINANCE"

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP BY DELETING THE EXISTING CHAPTER 128 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 128 ENTITLED "SOLID WASTE MANAGEMENT" WHICH INCLUDES DEFINITIONS; ADOPTION OF THE SOLID WASTE MANAGEMENT RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; APPLICABILITY TO MUNICIPALITY; REGULATION OF COLLECTORS; REGULATION OF COLLECTION VEHICLES; REQUIRING IDENTIFICATION ON COLLECTOR'S VEHICLES; ESTABLISHING TIMES OF COLLECTION AND PLACEMENT OF CONTAINERS; ESTABLISHING PROPER GARBAGE PREPARATION AND STORAGE PRACTICES; PROHIBITING THE TREATMENT AND/OR COLLECTION OF MUNICIPAL WASTE NOT GENERATED IN THE TOWNSHIP; REGULATING REMOVAL OF CONTAGIOUS REFUSE; PROHIBITING PRIVATE DUMPS AND LANDFILLS; PERMITTING COLLECTION BY TOWNSHIP AT ITS DISCRETION; PERMITTING FUTURE RULES AND REGULATIONS TO BE PROMULGATED BY TOWNSHIP; ABATEMENT OF NUISANCE REQUIREMENTS AND PENALTIES FOR VIOLATIONS OF CHAPTER; AND AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP BY DELETING THE EXISTING CHAPTER 116 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 116 ENTITLED "RECYCLABLE MATERIALS MANAGEMENT" WHICH INCLUDES DEFINITIONS; LEGISLATIVE INTENT; PROGRAM RESPONSIBILITIES OF TOWNSHIP; RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS; DELEGATION OF PROGRAM RESPONSIBILITIES BY TOWNSHIP; DESIGNATION OF RECYCLABLE MATERIALS; COLLECTION PROCEDURES OF RECYCLABLE MATERIALS; PROCESSING AND MARKETING OF RECYCLABLE MATERIALS; ESTABLISHING OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE; ALTERNATE RECYCLING ACTIVITIES; PROPER HANDLING OF LEAF WASTE; RECORD-KEEPING BY COLLECTORS; ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE CHAPTER; INTERPRETATION; MODIFICATIONS; AND IMPLEMENTATION BY WASTE COLLECTORS.

It is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Worcester Township

as follows:

SECTION I. Amendment to the Code.

The Codified Ordinances of Worcester Township are hereby amended by adding a new Chapter 128 entitled "Solid Waste Management" as follows:

**CHAPTER 128
SOLID WASTE MANAGEMENT**

§128.1 SHORT TITLE.

This chapter shall be known as the "Township Solid Waste Management Ordinance."

§128.2 DEFINITIONS.

As used in this chapter:

- (a) "Act" means the Solid Waste Management Act, Act of July 7, 1980, 380, No. 97, as amended, 35 P.S. Section. 6018.101 et seq.
- (b) "Bulky waste" means large items of refuse including, but not limited to, appliances, furniture, large auto parts, trees, branches and stumps which cannot be handled by normal solid waste processing, collection or disposal methods.
- (c) "Collector" means any person or entity collecting or transporting municipal waste and/or recyclable materials for owners or occupants of property in the Municipality, including the Municipality itself, if it undertakes the collection of municipal waste.
- (d) "Disposal" means incineration, disposition, injection, dumping, spilling, leaking or placing waste into or on the land or water in such a manner that the waste or a constituent of the waste enters the environment, is emitted into the air or is discharged into the waters of the Municipality.
- (e) "Facility" means the site where municipal waste is disposed of, as designated by the Municipality or by the proposed contractor, including all associated property and equipment.
- (f) "Garbage" means the animal or vegetable refuse from the storage, vending, sale, preparation or use of foodstuffs, such as meats, fish, fruits or vegetables or other domestic refuse.
- (g) "Hazardous waste" means any garbage, refuse or sludge from an industrial or other waste 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 from community activities or any combination of the above, but not including solid or dissolved materials, domestic sewage or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act OF 1948 (33 U.S.C. §§1151 et seq.) as amended, or source special nuclear or by-product material as defined by the U.S. Atomic Energy Act of 1954 (42 U.S.C. §§2011 et seq.), as amended, which because of its economy, concentration or physical, chemical or infectious characteristics may:
 - (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

- (h) "Industrial establishment" means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
- (i) "Institutional establishment" means any establishment engaged in servicing, including, but not limited to, hospitals, nursing homes, life care facilities, churches, orphanages, schools and universities.
- (j) "Management" means the entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid waste by any person engaging in such process.
- (k) "Municipal waste" means any garbage, refuse, industrial lunch room or office waste or other material, including solid, liquid, semisolid or contained gaseous material resulting from operations of residential, Municipal, commercial or institutional establishments and from community activities and including any sludge not meeting the definition of "residual waste" or "hazardous waste" under this section for Municipal, commercial or institutional water supply treatment plants, wastewater treatment plants or, air pollution control facilities.
- (l) "Municipality" means Worcester Township.
- (m) "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, the Federal government or any agency thereof, State institution agencies (including, but not limited to, the Department of General Services, Public Schools and Authorities) or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. For any provision of this chapter prescribing a fine, imprisonment or penalty, or any combination thereof, "person" includes the officers and directors of any corporation or of any other legal entity that has officers and directors.
- (n) "Processing" means any technology used for the purpose of reducing the volume or bulk of waste or converting or separating waste for off-site re-use. Processing facilities include, but are not limited to, transfer, composting and resource recovery facilities.
- (o) "Refuse" means all material which is discarded as useless.
- (p) "Residual waste" means any garbage or other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial or agricultural operations and including any sludge from any industrial or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous waste.
- (q) "Sanitary landfill" means a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.
- (r) "Solid waste" means any waste, including, but not limited to, municipal, residual or hazardous waste, and including solid, liquid, semisolid or contained gaseous materials.

§128.3 ADOPTION OF RULES AND REGULATIONS.

All applicable rules and regulations set forth in Title 25 of the Pennsylvania Code (Environmental Protection), are hereby adopted as the controlling rules and regulations regarding all municipal waste activities within the Municipality. In the event of a conflict between such rules and regulations and any of the provisions of this chapter, the rules and regulations shall take precedence.

§128.4 APPLICATION TO MUNICIPALITY.

Nothing in this chapter shall prohibit the Municipality from becoming a collector for the purpose of this chapter.

§128.5 REGULATION OF COLLECTORS.

(a) Pursuant to the authority vested by Section 202 of the Pennsylvania Solid Waste Management Act of 1980, Act 97, as amended, any person collecting municipal waste in the Municipality from any residential, commercial or industrial generator thereof shall annually, on or before January 30, submit information to the Municipality listing the type of waste collected, the quantity and manner of transportation thereof and the manner, location and ultimate disposal thereof, including, but not limited to, any processing, transfer or temporary storage thereof, in the interim. Such information shall be supplied for the prior calendar year, and there shall also be an estimate of the same information for the current calendar year. The collector shall notify the Municipality, in writing, of any change of disposal site or type of waste within ten days of the change. Submission of such information shall be upon a form established by regulations adopted by a resolution of the Municipality. No person may engage in collection of municipal waste in the Municipality without providing all such information as required.

(b) A collector shall be responsible for receiving municipal waste from properties in the Municipality pursuant to contracts between the collector and the owners or occupants of the properties. All collectors shall dispose of all municipal waste at the facility designated by the Municipality in compliance with such reasonable rules and regulations for operation of the facility as may be established by the facility. Disposal at any other place shall be a violation of this chapter and result in the enforcement of the Penalty section of this Ordinance, except in special circumstances approved in advance by the facility. Such approval must be for disposal at an approved facility in accordance with the rules and regulations of the Department of Environmental Protection. The operations of all collectors shall comply with regulations of the Municipality and with all applicable laws. Violation of such regulations or laws shall be cause for the enforcement of the Penalty section of this Ordinance upon such notice as the Municipality may determine to be reasonable.

(c) A collector shall provide on demand a certificate of insurance showing that the insurance provided for in this subsection is carried in the specified amounts and has been obtained from a reputable company, satisfactory to the Municipality, or shall file a self-insurance certificate as issued by the Department of Labor and Industry and the Department of Revenue of the Commonwealth. Such certificates shall specify that the contractual liability required under this chapter is covered and that the coverage will not be cancelled or changed without thirty days prior notice to the Municipality. The following insurance shall be carried and maintained by collectors:

- (1) Worker's compensation insurance for all employees;
- (2) Automobile liability insurance in the amount of one million dollars (\$1,000,000), combined single limit bodily injury and property damage; and
- (3) General liability insurance in the amount of one million dollars (\$1,000,000) bodily injury and one million dollars (\$1,000,000) property damage.

The collector shall hereby agree to indemnify and save harmless the Municipality against any and all liability, demands, actions or damages, claims, costs or expense which the Municipality may hereafter incur, suffer or be required to pay by reason of or arising out of any work done or action taken under this Ordinance.

(4) Each and every policy of insurance herein mentioned which is required pursuant to the terms of this chapter shall carry with it an endorsement to the effect that the insurance carrier will transmit to the Township, by certified mail, written notice of any modifications, alterations or cancellation of any policy or policies or the terms thereof. The above mentioned written notice shall be mailed to the Township at least ten days prior to the effective date of any such modification, alteration or cancellation.

§128.6 COLLECTION VEHICLES.

All vehicles used for collection and transportation of municipal waste shall comply with all safety regulations of the Commonwealth. All vehicles used for collection of municipal waste and garbage shall be equipped with a closed body and shall be watertight and approved by the Municipality. Open type vehicles may be used for bulky waste. Such vehicles shall not be overfilled so as to cause the waste to be spilled therefrom, shall be cleaned at such intervals as necessary to prevent a nuisance from odors and shall be kept in good repair and order. Any waste that may be spilled in transit in the course of collection shall be promptly and completely cleaned up by the collector.

§128.7 IDENTIFICATION OF VEHICLES.

The collector's name and address as well as the tare weight of the collection vehicle shall be painted on both sides of the vehicle in letters not less than three inches high. Where rollofs are used, the tare weight of both the truck and the container shall appear on the truck and the rolloff container.

§128.8 TIMES OF COLLECTION; PLACEMENT OF CONTAINERS.

Municipal waste shall be collected at least once a week as the contractual arrangement between the homeowner, householder or lessee and the collector may provide. Times of collection may be established by resolution of the Board of Supervisors. Municipal waste containers shall, for the purpose of collection, be placed at ground level and shall be readily accessible to the collector.

§128.9 GARBAGE PREPARATION AND STORAGE PRACTICES.

The following standards shall be adhered to in the preparation or storage of garbage:

(a) Preparation. No more water shall be permitted in garbage than has naturally accumulated from table refuse.

(b) Storage.

(1) The owners or occupants of dwellings, apartments or other residential units and the owners or occupants of other places where garbage is produced shall provide and maintain containers, as specified in paragraphs (b)(3) and (4) hereof, for the storage of all garbage accumulated on the premises. A sufficient number of such containers shall be maintained for each premises as shall be sufficient to contain normal accumulation of garbage between the intervals of collection.

(2) The Municipality may by resolution make additional rules and regulations concerning garbage preparation, storage and collection practices.

(3) Containers shall be made of non-water absorbent material and shall be equipped with lids of nonabsorbent material. Such containers shall be watertight, prevent the entry of flies and shall be kept in good repair at all times.

(4) No person shall permit the accumulation of residual liquids or solids on the bottom or sides of garbage containers. The interior of containers shall be kept clean by thoroughly rinsing and draining as often as necessary.

(5) No person shall accumulate garbage longer than seven days. No person shall place garbage at a curbside sooner than twenty-four hours before the scheduled collection time.

(6) No person shall deposit or permit the deposit of garbage on the ground, on the public streets or alleys or in any body of water in the Municipality.

§128.10 GEOGRAPHICAL RESTRICTIONS.

Treatment of any municipal waste generated in another municipality is prohibited.

§128.11 REMOVAL OF CONTAGIOUS REFUSE.

The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the County Health Officer. No person shall place such refuse in containers for regular collections.

§128.12 PRIVATE DUMPS AND LANDFILLS.

No person shall use or permit to be used any property owned or occupied by him or her within the Municipality as a public or private dump or landfill for municipal waste, whether generated within the Municipality or elsewhere.

§128.13 FUTURE RULES AND REGULATIONS.

The collection of municipal waste in the Municipality shall be subject to such additional rules and regulations as are passed by resolution from time to time and promulgated by the Board of Supervisors. However, no such rules or regulations shall be contrary to this chapter or other applicable law.

§128.14 ABATEMENT OF NUISANCES.

In addition to the penalty provided for in Section 128.15, any continued violation of any of the provisions of this chapter which constitutes a nuisance in fact or which, in the opinion of the Board of Supervisors, constitutes a nuisance, may be abated by a proceeding against the violators in a court of equity or by seeking other relief available to the Municipality, whether in equity or at law.

§128.15 PENALTY.

Any person or entity shall, upon being adjudged guilty of violating this Chapter before any Justice of the Peace having jurisdiction within Worcester Township, be sentenced as provided in Chapter 1, Article II, General Penalty.

SECTION II. Admendment to the Code

The Codified Ordinances of Worcester Township are hereby amended by adding a new Chapter 116 entitled "Recyclable Materials Management" as follows:

**CHAPTER 116
Recyclable Materials Management**

§116.1 TITLE.

This chapter shall be known as the "Municipal Waste Collection and Recycling Ordinance."

§116.2 DEFINITIONS.

(a) As used in this chapter, the following terms shall have the meanings indicated:

(1) "Act 97" means the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq.

(2) "Act 101" means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act of July 28, 1988, No. 101.1 as amended.

(3) "Aluminum" means empty, all aluminum beverage and food containers, commonly known as "aluminum cans."

(4) "Authority" means the Northern Montgomery County Recycling Commission which is established as provided for in Act 101.

(5) "Bimetal cans" means empty food or beverage containers constructed of a mixture of ferrous metal, usually tin or steel, and nonferrous metal, usually aluminum.

(6) "Corrugated paper" means paper products made of a stiff, moderately thick paper board, usually containing folds or alternating ridges, commonly known as "cardboard."

(7) "DEP" means the Pennsylvania Department of Environmental Protection.

(8) "Glass" means products made from silica or sand, soda ash and limestone; the product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

(9) "Grass clippings" means the material bagged or raked during or after the cutting of a lawn, field or similar grassed area. Leaf waste which contains grass clippings shall be considered grass clippings.

(10) "High-grade office paper" means all types of white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

(11) "Household hazardous waste" means small quantities of hazardous waste (as defined in Act 97) available to a person or entity on a retail basis, such as pesticides, certain paints, aerosol cans and fertilizers.

(12) "Leaf waste" means leaves, garden residues, shrubbery, tree trimmings and similar material, but does not include grass clippings.

(13) "Magazines and periodicals" means printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.

(14) "Mixed paper" means all types of paper combinations, such as colored paper, carbonless forms, ledger paper, paper envelopes, mixtures of high-grade office paper and the like.

(15) "Municipal waste" means any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous materials, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

(16) "Municipal waste collector(s)" means any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials collecting or transporting municipal waste and/or recyclable materials for owners or occupants of property in the Municipality, including the Municipality itself, if it undertakes the collection of municipal waste, and pursuant to any regulations that may be established by resolution and adopted pursuant hereto, and pursuant to any intermunicipal agreement that may be subsequently executed by the township with the county or other municipalities. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

(17) "Newspaper" means paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

(18) "Person" or "entity" means any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal

institution or agency, state institution or agency, other governmental agency, authority or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this chapter prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

(19) "Plastic containers" means empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

(20) "Recyclable materials" means materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to: clear glass, colored (brown or green) glass, aluminum, steel and bimetal cans, highgrade office paper, mixed paper, newspaper, corrugated paper and plastic containers.

(21) "Resident(s)" means any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties, which owns, leases or occupies a property located in the township used as a residence and having curbside collection of municipal waste.

(22) "Township" means Worcester Township.

(23) "White goods" means refrigerators, washing machines, clothes dryers, window air conditioners, hot water heaters and other major home appliances.

(b) All terms not separately defined in this chapter that are contained in Act 97 and Act 101 are incorporated herein by reference.

§116.3 LEGISLATIVE INTENT.

(a) The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. It is the intent of this chapter to promote, require and regulate recycling activities in the township and to protect the health, safety and welfare of residents.

(b) This chapter has been developed to meet and implement municipal responsibilities established under Act 101.

(c) The Township's adoption of this chapter does not preclude the future assignment of its responsibility as it relates to the coordination, regulation and/or enforcement of recycling activities. Such assignment of responsibilities will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling.

§116.4 PROGRAM RESPONSIBILITIES OF TOWNSHIP.

(a) In accordance with the responsibilities set forth in this chapter, the Township is authorized to establish rules and regulations related to the separation, collection, processing and marketing of recyclable materials and to enforce all such rules and regulations. The Township shall determine the recyclable materials to be separated by a person or entity and collected by the municipal waste collector. The Township may modify the list of recyclable materials to be separated by a person or entity and collected by the municipal waste collector by means of a resolution.

(b) The Township shall, in conjunction with the municipal waste collectors, be responsible for establishing an education program and together shall conduct and maintain a comprehensive public information program as follows:

(1) The Township shall include articles and information on recycling requirements and activities within regular newsletters or mailings to residents and businesses in the community.

(2) The municipal waste collectors shall, at least thirty days prior to the start of the recycling program and at least every six months thereafter, deliver or include with their invoices sent to customers, an information sheet on recycling. At the request of the municipal waste collectors, the Township will, as a service to the municipal waste collectors, provide facts relative to the requirements and operation of the recycling program that can be utilized in the aforementioned information sheet.

(c) The municipal waste collectors shall be responsible for obtaining all weight and volume quantity data. Said data shall be supplied to the Township on a quarterly basis and fourth quarter data shall be supplied to the Township by January 15 for the preceding year, so that the Township may submit reports in accordance with Act 101 and other applicable laws and submit applications for recycling performance grants.

(d) Each person or entity in the Township, as required by Act 101, shall be responsible for complying with the requirements of this chapter for the separation of recyclable materials. This shall include tenants and lessees occupying rented and nonowned property.

(e) Owners, landlords or agents of any leased or rented property, other than single-family type homes or single tenant occupied property, shall be responsible for publicly posting educational information provided by the Township and/or municipal waste collectors, providing appropriate recyclable material collection containers and providing for pick-up of such containers in accordance with this chapter. Owners, landlords or agents of a leased or rented property occupied by a single tenant may assign such responsibility to the tenant or lessee occupying a property, in writing or through a lease or rental agreement.

(f) In accordance with Section 1501(c)(1)(iii) of Act 101, the Township shall exempt persons occupying commercial, institutional and municipal establishments from the requirements of this chapter if they have otherwise provided for the recycling of materials designated by this chapter. To be eligible for this exemption, the commercial, institutional or municipal waste generator must provide, on a quarterly basis, written documentation to the Township of the total quantity of each material recycled. Fourth quarter data shall be supplied to the Township by January 15 for the preceding year.

§116.5 RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS.

(a) The collection equipment and transportation vehicles used for the collection of municipal waste within the Township shall be of the closed body type with an automatic compactor unit and said collection equipment and transportation vehicles shall be labeled to indicate the name of the municipal waste collector and shall further indicate that the vehicle is transporting municipal waste or recyclable materials. Said vehicles shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other type vehicles may be used only for the collection of recyclable materials and white goods provided such items are separately collected in accordance with regulations established by the Board of Supervisors of the Township by a resolution. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

(b) Each person or entity interested in becoming a municipal waste collector must provide certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance, and automobile insurance with respect to personal injuries and property damage at the request of Township. Such insurance shall be in amounts set forth in Section 128.5 of the Solid Waste Management Ordinance.

(c) Each municipal waste collector shall, on the first day of each calendar quarter, file a rate schedule with the Township showing the rates to be charged to its customers for the collection of municipal waste and recyclable materials. Such rate schedule shall not be changed by the municipal waste collector without first giving notice to the Township at least thirty days prior to the effective date of such change. Each municipal waste collector shall file a map with the Township on the first day of each calendar year, or upon changes of its routes, showing the areas of the Township in which it operates and a timetable setting forth the days of collection. Collections of municipal waste and recyclable materials by municipal waste collectors shall take place solely between the hours of 6:30 a.m. and 10:00 p.m.

(d) The Collector shall be responsible for the bulk ordering and purchasing of recycling containers for residents. One recycling container shall be provided for each residential unit (with the possible exception of one container to serve two or more multi-family residential units) in the Township. Residents may use recycling containers other than those obtained from the Collector, provided said recycling containers are appropriately labeled or otherwise identified as containers for recyclable materials.

(e) Each municipal waste collector shall be responsible for complying with the requirements of this chapter for the collection, processing and marketing of recyclable materials.

§116.6 DELEGATION OF PROGRAM RESPONSIBILITIES BY TOWNSHIP

(a) Nothing in this chapter shall prohibit the Township from assigning a portion or all of its responsibilities under Act 101 and this chapter to another entity. Such assignment of responsibility will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling, municipal waste collector subscription service to individual customers, franchising or bidding of municipal waste collector services on a partial or community-wide basis, or municipal waste collector services provided by a Municipality.

§116.7 DESIGNATION OF RECYCLABLE MATERIALS.

(a) Every resident of the township shall be required to separate, at a minimum, newspaper, aluminum, clear glass, colored glass, bimetal cans and plastic products identified with either a #1 or a #2 for recycling. Commercial, municipal and institutional establishments shall be required to separate, at a minimum, high grade office paper and corrugated paper from municipal waste in addition to aluminum. The Township may require that residents and commercial, municipal and institutional establishments separate other recyclable materials by regulations established by resolution of the Board of Supervisors.

(b) Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law. Provisions for the collection or use of leaf waste shall be the responsibility of the municipal waste collectors as more fully set forth in Section 116.12.

(c) All occupants of single-family homes, townhomes, rowhouse-type residences and all other dwellings where individual municipal waste collection occurs, shall maintain a separate container of the type specified or provided by the Township or municipal waste collector to collect all designated recyclable materials in a comingled or modified comingled (e.g. different materials separated into brown paper bags and placed in the container) fashion, as established by the municipal waste collector. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at 6:00 p.m. on the evening prior to the day of scheduled collection, and the empty container shall be removed by 12:00 midnight on the day of scheduled collection. Newspapers may also be placed in brown paper, grocery store bags or bundled and tied, both across and lengthwise, with rope or cord and kept dry prior to collection, and placed at curbside with the recycling container. No such municipal waste containers or recyclable material containers, including bundles of newspapers (other than containers supplied by municipal waste collectors) shall weigh more than 50 pounds, and containers or bundles shall not be placed in the cartway. Municipal waste placed at the curb or street line for collection must be in closed, waterproof containers.

(d) Owners or landlords of any multi-family residential units, such as apartments or condominiums where individual residential refuse collection does not occur, shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector and source-separated or comingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multi-family residential units who comply with the requirements of this section shall not be liable for the noncompliance of any person or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multi-family residential units shall be responsible for separating recyclable materials and placing them in the containers or dumpsters provided for such purposes.

(e) Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements in Subsection (d) hereof unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property. Such assignment may only occur, however, where a single tenant occupies the entire leased or rented property.

§116.8 COLLECTION OF RECYCLABLE MATERIALS.

(a) The municipal waste collector shall, in providing refuse collection and disposal services to a single-family residential home, also provide for the collection of recyclable materials. Where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection. Customers using once a month municipal waste collection must have recyclable materials collected at least once a month. Where a customer's designated day for the collection of recyclable materials falls on a holiday, the municipal waste collector shall collect recyclable materials on another day and shall notify those customers affected of that change. On January 30th of each year, the municipal waste collector shall provide proof to the township that the collection of recyclable materials by it can be undertaken in accordance with the requirements of this chapter.

(b) The collection of recyclable materials for all establishments, other than single-family residential homes, shall be on an as-required basis.

(c) No municipal waste collector shall be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.

§116.9 PROCESSING AND MARKETING OF RECYCLABLE MATERIALS.

(a) The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials. Such activities may be conducted by the municipal waste collector or any agent thereof, or a private entity conducting such business, a nonprofit entity able to undertake such effort, or any governmentally owned or operated facility capable of such functions.

(b) The municipal waste collector shall, prior to initiating processing and marketing activities, provide the township with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.

(c) The municipal waste collector shall, as part of its recording activities, provide a detailed listing of where the recyclable materials are sold or deposited and the weights of each of the recyclable materials so delivered. The municipal waste collector shall, upon request, provide the township with copies of applicable licenses or permits of the ultimate facility(ies) to which the recyclable materials will be delivered.

§116.10 OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE.

(a) All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in Section 116.11.

(b) It shall be a violation of this chapter for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in Section 116.11. Each unauthorized collection from one or more designated locations on one calendar day in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§116.11 ALTERNATE RECYCLING ACTIVITIES.

(a) Any person or entity may utilize alternative recycling methods, other than collection by a municipal waste collector, to accomplish the purpose of reutilizing recyclable materials. Recyclable materials may be donated or sold to any person or entity, whether operating for profit or not, provided that the recycler shall not utilize alternate recycling methods without prior written permission from the Township. Such materials must be delivered to the alternate recycling site or arrangements made with the alternate collector to pick up the recyclable materials at a time that will not interfere with the operations of the municipal waste collector. Each person or entity accepting recycled materials under this section must provide quarterly written documentation to the Township of the total quantity of each material recycled.

(b) The Township shall permit an alternative recycling program to be developed in accordance with Paragraph 1501(h) of Act 101 if the requirements of that paragraph can be complied with. The Township shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide quarterly written documentation to the Township of the total quantity of each material recycled.

§116.12 HANDLING OF LEAF WASTE.

(a) As part of the municipal waste collection service provided by the municipal waste collectors pursuant to this chapter, said municipal waste collectors shall provide leaf waste collection service,

either by using their own vehicles and facilities or by making contractual arrangements with others to do so.

(b) Leaf waste collection shall be undertaken by municipal waste collectors in accordance with regulations of the DEP and leaf waste disposal shall be undertaken by municipal waste collectors in a DEP-approved facility or DEP-approved manner.

(c) All municipal waste collectors shall provide the Township with the location of the facility(ies) to which the leaf waste will be delivered. Such location shall be in accordance with the regulations of the Commonwealth of Pennsylvania and the DEP. The disposal of noncomposted leaf waste at a sanitary landfill or waste-to-energy facility is strictly prohibited.

(d) The methodology for separating and collecting leaf waste shall be established by the municipal waste collectors and by the Township. All municipal waste collectors shall provide the Township with a leaf waste collection/disposal plan, setting forth information as to their expected leaf waste collection and disposal service to their customers, on or before July 31 of each year, and the Township shall have the right to deny any municipal waste collector additional collection privileges within the Township for either failing to timely file such plan or improper or unlawful leaf waste disposal in violation of the plan or DEP regulations. Leaf waste shall not be left at curbside sooner than 24 hours prior to collection and shall not be left in a form that obstructs the flow of traffic or affects the performance of drainage facilities or catch basins. Leaf waste containers or bags shall not be placed in the cartway.

§116.13 RECORDKEEPING.

(a) All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the Township. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the comingled recyclable materials shall also be provided. Written reports shall be provided to the Township on reporting forms provided by the Township and shall include the name and location of the processing center and/or recyclable materials dealer, and the weights of each of the recyclable materials delivered to such center and/or dealer, and shall be submitted in accordance with the time schedules established in this chapter.

(b) Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation of the total quantity of leaf waste collected must be provided to the Township by January 31 of each year for materials collected in the preceding calendar year.

(c) Except as noted in Section 116.11(a) and (b) and Subsection (b) hereof, all records shall be provided to the Township on a quarterly basis in typewritten tabular form and shall be due within 30 days after the end of each calendar quarter.

§116.14 ENFORCEMENT AND PENALTIES.

(a) Any person or entity who shall violate the provisions outlined herein regarding the separation of recyclable materials shall receive an official written warning of noncompliance from the Township for the first offense. Thereafter, all such violators of the provisions of this chapter shall, upon being adjudged guilty of violating this Chapter before any justice of the peace having jurisdiction within said Township, be sentenced as provided in Chapter 1, Article II, General Penalty.

(b) Any person or entity who shall violate the provisions outlined herein regarding the unauthorized collection of recyclable materials shall be liable for payment of a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

(c) No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein regarding the separation of recyclable materials with written notice for the first offense and also provide the Township with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this section and collect municipal waste containing recyclable materials or leaf waste from a person or entity who has previously been notified by the Township and/or a municipal waste collector of noncompliance shall receive an official warning for the first offense. The municipal waste collector shall, for subsequent offenses within a two-year period of the warning, be liable to a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

§116.15 INTERPRETATION.

This chapter shall be construed under the laws of the Commonwealth.

§116.16 MODIFICATIONS.

The Township may, from time to time, modify the regulations adopted in accordance with this chapter or make modifications to this chapter.

§116.17 IMPLEMENTATION BY WASTE COLLECTORS.

Municipal waste collectors shall take the necessary steps to implement the collection of recyclable materials upon the effective date of this chapter.

SECTION III. Repealer

Ordinance No. 237 and all other ordinances and resolutions or part thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION IV. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION V. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VI. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 15th day of October, 2003.

WORCESTER TOWNSHIP

By: Frank L. Davey
FRANK L. DAVEY, Chairman
Board of Supervisors

Attest: John R. Harris
JOHN R. HARRIS, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on October 15, 2003, at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and will consider for adoption an ordinance entitled "Solid Waste Management and Recycling Ordinance" amending the Codified Ordinances of Worcester Township by deleting the existing Chapter 128 in its entirety and adding a new Chapter 128 entitled "Solid Waste Management" which includes definitions; adoption of the solid waste management rules and regulations of the Department of Environmental Protection; applicability to municipality; regulation of collectors; regulation of collection vehicles; requiring identification on collector's vehicles; establishing times of collection and placement of containers; establishing proper garbage preparation and storage practices; prohibiting the treatment and/or collection of municipal waste not generated in the Township; regulating removal of contagious refuse; prohibiting private dumps and landfills; permitting collection by Township at its discretion; permitting future rules and regulations to be promulgated by Township; abatement of nuisance requirements and penalties for violations of chapter; and amending the Codified Ordinances of Worcester Township by deleting the existing Chapter 116 in its entirety and adding a new Chapter 116 entitled "Recyclable Materials Management"; which includes definitions; legislative intent; program responsibilities of Township; responsibilities of municipal waste collectors; delegation of program responsibilities by Township; designation of recyclable materials; collection procedures of recyclable materials; processing and marketing of recyclable materials; establishing ownership of recyclable materials and municipal waste; alternate recycling activities; proper handling of leaf waste; record-keeping by collectors; enforcement and penalties for violation of the Chapter; interpretation; modifications; and implementation by waste collectors.

Copies of the full text of the proposed ordinance are available for public inspection and copying at the Worcester Township Building, 1721 Valley Forge Road, Worcester, the offices of the Times Herald, 401 Markley Street, Norristown, Pennsylvania, 19404, and the Montgomery County Law Library, Court House, Norristown, Pennsylvania during normal business hours.

**JAMES J. GARRITY, ESQUIRE
MARK A. HOSTERMAN, ESQUIRE
WISLER, PEARLSTINE, TALONE,
CRAIG, GARRITY & POTASH, LLP**

Solicitors for Worcester Township