

2001 Residential Recycling
Ordinance

**PARADISE TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 OF 2001

RESIDENTIAL RECYCLING ORDINANCE

WHEREAS, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended ("Act 97"), established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste; and

WHEREAS, pursuant to the requirements of Act 97 and the request of each municipality within Lancaster County ("County"), the Board of Commissioners of the County ("County Board") prepared and adopted the 1986 Lancaster County Solid Waste Management Plan ("1986 Plan"); and

WHEREAS, the 1986 Plan was (a) adopted by each municipality within Lancaster County and (b) approved by the Pennsylvania Department of Environmental Resources; and

WHEREAS, the 1986 Plan provided for a comprehensive and integrated County-wide system for solid waste management ("System") which included, inter alia, (a) construction of a resource recovery facility for incineration of municipal waste and generation of energy, (b) expansion of the then existing Creswell Landfill, (c) construction of transfer facilities throughout the County and (d) development of a recycling program; and

WHEREAS, in order to implement the 1986 Plan and finance the System the County and each municipality within the County (a) enacted certain waste flow control ordinances and (b) entered into a joint cooperation agreement ("Intermunicipal Agreement"); and

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 ("Act 101") was approved on July 28, 1988; and

WHEREAS, pursuant to Act 101 and the request of the County Board, the Lancaster County Solid Waste Management Authority has prepared (as a revision to the 1986 Plan) the Lancaster County Municipal Waste Management Plan of 1990 (the "1990 Plan") and 1999 (the "1999 Plan"); and

WHEREAS, the 1990 and 1999 Plans provide for the establishment and implementation by certain municipalities of source-separation and collection programs for recyclable materials in order to conform to Act 101 and to support and maintain the System; and

WHEREAS, the Township of Paradise and the County have (a) engaged in mutual and beneficial cooperation and coordination under the 1986 Plan and the Intermunicipal Agreement and (b) have effected an effective, efficient, reliable and environmentally safe system for the storage, collection, transportation, processing and disposal of municipal waste; and

WHEREAS, it is desirable and appropriate to continue such cooperation by implementing a recycling program which is consistent with the 1990 and 1999 Plans, the Intermunicipal Agreement, the System and Act 101;

NOW, THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Paradise Township as follows:

Section 1. Definitions.

Any capitalized term which refers to a category or type of solid waste, if not defined in this Ordinance, shall have the meaning as from time to time set forth in LCSWMA's rules and regulations. In addition, as used in this Ordinance, the following terms shall have the following meanings:

"Act 97" - The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, 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, 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.

"Commencement Date" - January 1, 2002, the date upon which the Municipality's program for mandatory collection of Designated Recyclable Materials begins.

"Commingled" - Recyclable Materials (a) which have been segregated from regulated Municipal Waste but which have not been separated into different types of Recyclable Materials and (b) 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.

"Designated Recyclable Materials" - Those Recyclable Materials designated in Section 4 of this Ordinance.

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"Customer" - A Person who independently contracts with a Licensed Hauler for the collection of Regulated Municipal Waste and Designated Recyclable Materials.

"Existing Contract" - Any contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Recyclable Materials generated or located within the Municipality which (a) was legally entered into prior to the effective date of Section 6 of this Ordinance and (b) when entered into was legally enforceable.

"Facility" - Any specific site or Person designated by LCSWMA as the specific place or site or Person 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 or Person being designated by LCSWMA, any approved site for the delivery of any category of Solid Waste or Source Separated Recyclable Materials. A site will be deemed an approved site for the purposes of this definition so long as that site (a) is in possession of all applicable local, state and federal permits, (b) is operating in accordance with all applicable local, state and federal laws and regulations, and (c) provides LCSWMA with such data and information as LCSWMA requests, including without limitation, (i) the quantity, type, source and date of receipt of Solid Waste and Source Separated Recyclable Materials that were generated in Lancaster County and delivered to the site, (ii) proof that the site is in compliance with (a) and (b) above, and (iii) in the case of Source Separated Recyclable Materials, proof that all such materials received at the site are, in fact, Recycled.

"Glass, Clear" - 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.

"Glass, Colored" - 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.

"LCSWMA" - Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the municipality Authorities Act of 1945, as amended.

"LCSWMA Facility" - Any Facility owned or operated by or on behalf of LCSWMA.

"Licensed Hauler" - A Person who is in possession of all pertinent permits and licenses which may be required by (a) the Municipality and (b) LCSWMA, for the collection, transportation, storage or disposal of Solid Waste or Recyclable Materials.

"Multi-family Unit" - A property which contains four (4) or more Residential Units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

"Municipality" - The Township of Paradise.

"Newsprint"- Paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

"Non-residential Units" - All commercial, municipal and institutional establishments, all Community Activities and all farms, excluding Residential Units and Multi-family Units.

"Persons" - 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. For purposes of the obligations established by this Ordinance and for purposes of any fine, penalty, imprisonment or other sanction, the term "Person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Plastics" - Recyclable Plastics are identified on the bottom of the Container and consist of two (2) 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 separated, collected and processed into raw materials or products which are beneficially reused (other than as fuel).

"Recycling" - The separation, collection, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of or processed as 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 fourteen (14) gallon, plastic container supplied by the Municipality. For Multi-family Units the term "Recycling Container" shall refer to either the six (6) gallon plastic bucket supplied by the Municipality or similar receptacle which is constructed of plastic, metal or fiberglass and has adequate strength for lifting.

"Regulated Municipal Waste" - Any solid waste generated or collected within the Municipality which is garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any Sludge which is not Residual or Hazardous Waste from a municipal, commercial or institutional water supply treatment plant, wastewater

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treatment plant or air pollution control facility. The term does not include Source Separated Recyclable Materials.

"Residential Unit" - Any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a multifamily building containing three (3) or fewer dwelling units, excluding farms.

"Scavenging" - The uncontrolled or unauthorized removal of Recyclable Materials from the Curbside.

"Source Separate" or "Source Separation" - The process of separating, or the separation of, materials from Regulated Municipal Waste at the point of origin for the purpose of Recycling.

"Steel Cans" - The ferrous metal food or beverage containers commonly known as tin cans.

"White Goods" - Large appliances weighing more than 50 pounds, including clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

Section 2. Mandatory Collection of Designated Recyclable Materials.

No Person shall collect, transport, store, process or dispose of Regulated Municipal Waste generated at a Residential Unit or Multi-Family Unit within the Municipality unless such Person:

- (a) is a LCSWMA licensed hauler,
- (b) is licensed with the Municipality,
- (c) provides collection services for all Designated Recyclable Materials placed for collection, in accordance with Section 3 of this Ordinance,
- (d) provides collection services for Designated Recyclable Materials, except White Goods and Tires, on the same day as regularly scheduled for collection of Regulated Municipal Waste,
- (e) provides collection services for White Goods and Tires no less than once annually, and
- (f) transports collected Designated-Recyclable Materials to a Facility.

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Section 3. Customer Practices.

The Municipality will provide Recycling Containers for each Residential Unit and Multi-family Unit.

(a) Residential Units. Each Person who generates Regulated Municipal Waste at a Residential Unit is encouraged to Source Separate Designated Recyclable Materials. Such persons who Source Separate Designated Recyclable Materials shall:

(i) Comingle and place Clear Glass, Colored Glass, Aluminum, Steel Cans, and Plastics inside the Recycling Container provided by the Municipality on the same day Regulated Municipal Waste is collected.

(ii) Place Newsprint in paper bags or tie with string and set adjacent to the Recycling Container provided by the Municipality on the same day Regulated Municipal Waste is collected.

(b) Multi-family Units. Each Person who owns or occupies a Multi-family Unit is encouraged to provide proper collection, transportation and disposal of Regulated Municipal Waste and Designated Recyclable Materials by utilizing a Licensed Hauler to transport such waste to a Facility. Each Person who owns a Multi-family Unit is encouraged to:

(i) provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials;

(ii) provide written instructions to all Persons occupying each Multi-family Unit to ensure that all Designated Recyclable Materials are Source Separated; and

(iii) provide collection and transportation to a Facility of Source Separated Designated Recyclable Materials at a frequency of not less than once per month.

Section 4. Designated Recyclable Materials.

Persons who elect to participate in Recycling pursuant to this Ordinance shall Source Separate the following Recyclable Materials:

- (a) Clear Glass
- (b) Colored Glass
- (c) Aluminum
- (d) Steel Cans

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- (e) Plastics
- (f) Newsprint
- (g) Tire
- (h) White Goods

Section 5. 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 Licensed Hauler who has contracted to provide collection, as provided in the contract between the generator and the Licensed Hauler. It shall be a violation of this Ordinance for any Person, other than such Licensed Hauler, to collect or pick up or cause to be collected or picked up any such Designated Recyclable Materials.

Section 6. Existing Contracts.

(a) Nothing in this Ordinance shall be construed to impair the obligations of any Existing Contract.

(b) No renewal or modification of any Existing Contract, and no new contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Recyclable Materials, shall be entered into after the effective date of this Section 6 unless such renewal or modification or new contract shall conform to the requirements of this Ordinance.

(c) No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Section 6 shall provide for collection services for Regulated Municipal Waste to be performed after the Commencement Date unless collection services are also offered for Recyclable Materials. With respect to any contract which violates this Ordinance, such contract shall be deemed void and the Licensed Hauler 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 collection services as violate this Ordinance and (b) shall not collect or attempt to collect any funds for such collection services as violate this Ordinance.

Section 7. 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 Ordinance. All unlawful conduct shall also constitute a public nuisance.

Section 8. Penalty.

Any Person violating any provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$300 and costs of prosecution and, in default of the payment of such fine and costs, to undergo imprisonment for not more than three (3) days. Each violation of any provision of this Ordinance, and each day that such a violation shall exist, shall constitute a separate violation and offense.

Section 9. Injunctive Relief.

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

Section 10. Prior Ordinances.

This Ordinance is in addition to, and not in lieu of, the Ordinance adopted and approved on December 12, 1986. Any ordinances other than that Ordinance which pertain to Regulated Municipal Waste or Recyclable Materials, are hereby repealed to the extent of any inconsistency with this Ordinance.

Section 11. Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any Person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance.

Section 12. Effective Date.

This Ordinance shall become effective on JAN. 2, 2002, except for Sections 2, 3, and 4 of this Ordinance which shall become effective on the Commencement Date.

Enacted and ordained this 21st day of August, 2001.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF PARADISE

By: Kevin J. McClung
(Vice) Chairman

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