

# Considerations for Required Recycling

Lower Frederick Township  
53 Spring Mount Road  
Schwenksville, PA 19473

**SCS ENGINEERS**

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## **ACKNOWLEDGEMENTS**

SCS Engineers acknowledges the following individuals and organizations for supporting this project.

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# 1 PROJECT DESCRIPTION

Lower Frederick Township (the Township or Lower Frederick) is an 8.1-square-mile non-mandated<sup>1</sup> municipality in Montgomery County, Pennsylvania. The Township includes about 4,840 residents, or about 1,750 households, that allows residents and businesses the freedom to contract with their own recycling and trash haulers, but does not mandate recycling. Lower Frederick expects that by the next census they will be above 5,000 residents, and therefore mandated to recycle. Residential and commercial recycling participation has been low, and recycling rates have been consistently near 10 percent or below over the last ten years, as shown in **Table 1**. Lower Frederick Township would like to create an effective recycling program structure with increased participation from both residents and businesses. Although Lower Frederick is not mandated, they would like to prepare for possibly being mandated after the next census.

Table 1. Lower Frederick Township Historical Recycling Data

Year	2017	2016	2015	2014	2013
Residential Tons Reported	398.0	402.8	171.5	284.6	250.6
Commercial Tons Reported	52.3	70.7	187.2	44.9	60.8
<b>Total Tons Reported</b>	<b>450.3</b>	<b>473.5</b>	<b>358.7</b>	<b>329.5</b>	<b>311.4</b>
Municipal Recycling Rate (%)	9.9%	10.4%	8.8%	8.5%	8.0%
Estimated Section 904 Grant Award*	\$3,419	\$3,718	\$2,908	\$2,671	\$2,436

\* Beginning in 2015, DEP changed the grant award guidelines to subtract 15 percent residue from most tonnages, instead of using processing facility reported residue rates.

# 2 SUMMARY OF WORK

The following summarizes the tasks completed for this project.

**Task 1 – Project Organization** – KRF Environmental (KRF) contacted Lower Frederick Township and developed the scope of work.

**Task 2 – Data Gathering and Resources Development** – KRF gathered information on current ordinance enforcement channels, ordinance format, trash removal guidelines, business networking channels, business concerns, website revision protocol, leaf and yard waste recycling opportunities, and strategies to increase participation. KRF developed draft recycling ordinance language and developed material for residential and commercial recycling education.

**Task 3 – Report Development** – KRF produced a draft report that detailed ordinance and education options. Appendices include Township-specific ordinance language, residential and commercial educational material pertaining to the ordinance, recycling program website material, and recycling hauler recycling educational material.

**Task 4 – Report Finalization** – KRF will revise the draft report as necessary and submit the final report.

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<sup>1</sup> Act 101 mandates that Pennsylvania municipalities containing over 10,000 people, or over 5,000 people if population density exceeds 300 per square mile, require residential and commercial recycling.

## 3 FINDINGS

### RECYCLING ORDINANCE

#### Recyclables

A mandatory recycling ordinance is a way to require recycling, commercially and residentially, in the municipality. Pennsylvania's Act 101 mandates recycling in municipalities with populations of greater than 10,000, or in municipalities with populations between 5,000 and 10,000 and more than 300 persons per square mile. Lower Frederick Township is *not* a mandated municipality and does not currently have an ordinance mandating recycling. However, if Lower Frederick's population exceeds 5,000 in the 2020 census, an ordinance will be required. In preparing for Lower Frederick's future, and considering Lower Frederick's current undertaking, the Village Development and Community Character planning initiative, it is important to put in place these recycling and composting guidelines now.

Currently, the Township does not provide trash or recycling services, but residents and businesses contract with haulers privately for these services. Lower Frederick has expressed a desire to maintain this structure for now. A recycling ordinance can simply prohibit recyclable materials and yard waste from being put in the trash, and require residents and businesses to contract for recycling collection services and/or drop off recyclable materials at an approved facility.

Some residents and commercial establishments in the municipality are already recycling. If an ordinance was added to require recycling, residential and commercial recycling should increase. According to Act 140 of 2006, the DEP requires any municipality, mandated or not, receiving more the \$10,000 of Section 904 grant money to have a mandatory residential and commercial recycling ordinance, recycling education, recycling enforcement, anti-litter program, designated recycling coordinator, and involvement in the County hazardous waste collection program. If Lower Frederick sees a significant increase in recycling participation as a result of enacting an ordinance, these requirements should be considered. **Appendix A** is a summary of Act 101 municipal recycling requirements that includes Act 140 impacts on PADEP recycling performance grants.

Lower Frederick Township should enact an ordinance that requires recycling commercially and residentially, both to be eligible for Section 904 grant amounts over \$10,000 and to increase the effectiveness of its recycling program. An ordinance would require residents and commercial establishments to contract privately with a hauler for recycling collection.

#### No-Burning

A local government that is mandated to recycle under Act 101 may not allow the burning of materials it recycles (e.g., paper, plastic, glass, cardboard, cans, and leaf waste). While Lower Frederick is not an Act 101 mandated municipality yet, it is beneficial to include a no-burning clause in the recycling ordinance in preparation for being mandated.

Prohibition of outdoor burning may be addressed in the recycling ordinance, a fire prevention ordinance, or a specific no-burn ordinance. Certain burning activities may be permitted by the Township on a case-by-case basis, which can be managed through dispensation of "burn permits." Some local Townships have burning activities in the municipality monitored by the fire marshal. Currently, Chapter § 50-5.A.1 sections e), f), and g) of the Township Code may be in violation of the

no-burn rule. These sections allow for the burning of twigs, leaves, and household refuse. Included in the draft recycling ordinance will be a burning prohibition, which is a repealer clause so that any current part of an ordinance in violation of the no-burn rule will be repealed.

## Leaf Waste Separation

As a non-mandated recycling community, Lower Frederick is not required to provide yard waste pickup. However, complying with Act 101 requirements for mandated municipalities is beneficial when applying for DEP recycling grants, as previously discussed. Per Act 101, leaf waste must be separated from the municipal waste stream and composted at home or at a composting facility; therefore, it cannot be disposed of or burned. Pennsylvania's Act 101 Leaf Waste Collection Requirements are included as **Appendix A**.

Since Lower Frederick residents can drop off leaf waste and yard waste for composting at the Barnside Farm Compost Facility (Barnside) in nearby Schwenksville, the municipality would only be required to establish a leaf waste collection schedule for pickup at least twice per year, once in the spring and once in the fall, to be in compliance with Act 101 and PADEP recommendations. Currently, the hauler A.J. Blosenski provides leaf and yard waste collection for Lower Frederick residents who privately contract with them for trash and recycling collection. The proposed Lower Frederick recycling ordinance could simply prohibit leaf and yard waste from being included with the trash, and require residents and businesses to either contract privately for leaf and yard waste collection or take the material to an approved composting facility, such as Barnside. Lower Frederick could also consider providing a leaf and yard waste collection program for residents. This may include scheduling specific curbside bagged leaf collection dates in the spring and fall. If Lower Frederick requires specific equipment for this collection, the Township could apply for a Section 902 grant, as discussed later in "Section 902 Grant Requirements."

Leaf waste separation language is included in the draft ordinance. The Township and Township Solicitor should discuss the recommended ordinance language and keep, edit, or remove parts as they see fit. The Draft Recycling Ordinance can be found in **Appendix B**.

## Enforcement

After educating residents and businesses about a new recycling ordinance, some non-compliance issues may arise. It is important to advertise a Township contact email and/or phone number to answer recycling questions or address problems. This same contact email and/or phone number can be used in case of illegal dumping or litter complaints to fulfill the anti-litter requirement of Act 140.

Communication about recycling should prevent some non-compliance issues and provide an avenue for identifying problems. It is important to educate the Township's waste and recycling haulers about the recycling ordinance, and to encourage them to report compliance problems to the Township and not collect containers with mixed trash and recyclables. When a non-compliance issue arises, most municipalities enforce their recycling program through warning letters, notices of violation, and fines. The Township secretary, a zoning officer, or other Township official should be designated as the recycling violations coordinator, and may cite and keep record of recycling violations. Based on interviews with other local governments, imposing fines for recycling violations is only required in limited circumstances. A simple way of dealing with a violation is to send a letter to the violator outlining the nature of the violation and a highlighted copy of the ordinance identifying fine amounts. Warning letters often fix the problem. If the problem persists a fine may be imposed. **Appendix C** provides an Example Notice of Violation. This sample Notice of Violation does not constitute legal advice, and any such notice should be reviewed by the municipal solicitor.

Enforcement of the new recycling requirements will be important especially when the Ordinance is first enacted. Leaving non-compliance detection solely up to privately contracted haulers is usually not very effective. Some jurisdictions have municipal employees, rather than or in addition to contracted hauler employees, check containers for incorrect material and issue warnings when residents are in violation. This practice has proven to be a very effective means of education in other municipalities. It can be employed in Lower Frederick, though it requires dedicated staff time. The acronym SWEEP (Solid Waste Education and Enforcement Program) is used in multiple municipalities and could be adopted by Lower Frederick. Naming and acknowledging the program on the website and/or in newsletters can increase recycling awareness and also alert residents that Township public works staff will be checking containers for compliance.

## Hauler Education

When Lower Frederick Township enacts the recycling ordinance, it is important to educate the contracted residential and commercial waste and recycling haulers about the requirements of the new ordinance so they can act as partners in establishing the new recycling rules. The contracted residential haulers can educate residents by tagging containers that include inappropriate material. For example, a hauler would communicate a violation to a resident by leaving a tag on the recycling container that contains trash, avoiding collection of the full container, and informing the Township of the address in non-compliance. If commercial waste haulers know that businesses are required to recycle, they can inform businesses of their ability to provide recycling services to help them comply with the Township's requirement. Commercial haulers need to be informed of the recycling services they must offer, and the associated recycling reporting requirements. Lower Frederick should send each hauler a bullet point summary of the new rules, with a copy of the new ordinance. **Appendix D** provides a Draft Hauler Notification. The Township can request hauler assistance with education, but the Township must ultimately take responsibility for enforcing the ordinance.

## Residential and Commercial Education

When Lower Frederick establishes the recycling ordinance, significant residential and commercial education is highly recommended. A letter should be sent to all residents and businesses before the recycling ordinance takes effect. Information should be posted on the Township's website and Facebook® account, and be sent to the Lower Frederick Environmental Advisory Council, Planning Commission, and Friends of Lower Frederick Township group. Residents and businesses should receive a second letter after the ordinance takes effect. At a minimum, most municipalities provide recycling education via their website and newsletters (sent at least twice per year). The following education methods are recommended: Twitter® or Facebook® accounts to send out reminders, door hangers, flyers, postcards, detailed website information, press releases, information on the municipal public access television channel, a publicly-displayed banner, promotional items, school education, and inclusion in municipal communications such as newsletters and tax bills. The Township should use varied media in educating the public to reach different demographics of the population.

To comply with Act 140 and be eligible for over \$10,000 of Section 904 Grant funding, a municipality must have a "residential and business recycling education program." If Lower Frederick wishes to comply with Act 101, it must notify residents and businesses of the ordinance requirements at least 30 days prior to the initiation of the recycling program and at least once every six months thereafter. Lower Frederick could send out an initial letter notifying residents and businesses of the recycling ordinance and then continue to send reminders in most Township communications to residents. Website ideas are discussed later in this report. **Appendix A** provides more detailed information on Pennsylvania's Act 101 Recycling Education Requirements. **Appendix E** provides a Draft Resident and Business Notification.

## Business Recycling Education Program

Businesses will be required to contract with private haulers for recycling services and the Township should assist them with this transition. Lower Frederick Township can facilitate implementation of the new ordinance by providing a virtual or in-person business forum to present recycling information and help smaller businesses in close proximity share recycling contracts as a cost-saving method. The Township can also provide businesses with tools for recycling program startup and education, such as hauler contact information and recycling educational flyers to post in the workplace. The Township can include recycling requirements and available resources in Township communications sent to businesses.

The Township should keep a business/landlord directory with contact names, phone numbers, emails, and recycling hauler contract information. Each year the Township can contact a portion of the businesses/landlords to check on their recycling compliance, ask for the name of their hauler, and ask for suggestions or answer questions. After the recycling ordinance is passed, the Township should send the Draft Resident and Business Notification, presented in **Appendix F**.

## Recycling Webpage

The Township's website should serve as an important outlet for providing recycling information to residents and business owners. At a minimum, the website should be updated to include:

- Approved recycling ordinance;
- Overview of recycling, trash, and leaf waste separation requirements;
- Township contact email and/or phone number in case of recycling questions or problems;
- Contact email and/or phone number in case of illegal dumping or litter complaints; and
- Links to the County Household Hazardous Waste Program Information.

A tab can be added under the website Menu labeled "Trash/Recycling/Leaves". The new webpage can include a general list of recycling requirements. **Appendix G** provides Draft Recycling Website Materials for residents and businesses.

## OTHER CONSIDERATIONS

### Section 902 Grant Requirements

Lower Frederick could consider applying for a PADEP Section 902 Recycling Program Implementation and Development Grant to fund the purchase of a leaf collection vehicle or additional recycling education materials. These grants offered by the PADEP reimburse counties and municipalities 90 percent of eligible recycling program development and implementation expenses. This grant is competitively awarded and is typically offered once per year, but recently has not had a predictable schedule. Municipalities may apply every year, but if they are awarded a grant, they may not apply during the next grant round. To be eligible for this grant, the Township would need to confirm no existing ordinances allow the burning of leaves or other recyclable material.

To be competitive for this grant, non-mandated municipalities like Lower Frederick should be in compliance with Act 101 requirements for mandated municipalities as much as possible. According to PADEP representatives, a municipality is more likely to receive a grant if the following are met:

- Existing mandatory recycling ordinance;
- Collects recyclable materials once-per-week;
- Collects at least seven of the Act 101 recyclable materials (office paper, cardboard, mixed paper, clear glass, colored glass, aluminum cans, steel or bimetal cans, newspaper, plastics, etc.);
- Collects leaves and yard waste as required by Act 101;
- Distributes residential and commercial recycling education material at least twice per year;
- Collects recyclable materials at community events;
- Conducts an anti-litter program; and
- Demonstrates a financially sustainable program.

Once Lower Frederick enacts the recycling ordinance, including the no-burning clause, the Township will be eligible and more favorably positioned to receive a Section 902 Grant. The Township could apply for a grant to fund recycling public education program development, school recycling education program development, or collection and processing equipment for recycling, leaves, and yard waste. Information on the Section 902 Recycling Grant can be found on the PADEP website.

## Recycling Drop-Off

Lower Frederick currently has two paper recycling drop-off locations; the paper retriever bins located at St. Mary's in Schwenksville and Perkiomen Valley Middle School. As single-stream recycling becomes more expensive due to changing recyclable markets, it can be financially beneficial to provide recycling drop-off bins for specific materials. For example, Lower Frederick could place an aluminum can collection bin at the Township office parking lot, and sell the cans to a company like Cogle's Recycling, Inc. The Township can also provide residents with recycling opportunities for non-traditional materials such as electronics, ink cartridges, Styrofoam, bottle lids, used markers, and much more through Terracycle.com.

## Single Hauler

Using a single hauler, whether municipal or contracted, for the entire municipality reduces traffic, noise, wear-and-tear on roads, and increases recycling clarity, communication, and participation. The simplest way of moving to single hauler collection is typically contracting with a hauler for collection services. Due to competitive bidding and route efficiency, contracting with a single hauler often results in lower collection costs for residents and higher recycling participation rates. This can in turn lead to higher Section 904 Recycling Performance grant money for the municipality. A single recycling hauler can also facilitate program changes when needed. If Lower Frederick considers providing recycling collection in-house, the Section 902 grant is available to fund capital purchases, such as recycling collection vehicles.

## Pay-As-You-Throw

One proven way to increase recycling participation is to institute a Pay-As-You-Throw (PAYT) program. PAYT programs generally function better if one hauler (municipal or private) is servicing the entire municipality. In PAYT programs, residents pay for waste collection based on how much they throw out. The cost for recycling services is typically included in the fee for solid waste collection services and thus there is no separate charge to residents for recycling. The municipality sells specially labeled trash bags or tags/stickers at municipal offices, local grocery stores, and gas stations for a calculated cost that covers the unit cost of the bag or sticker, and administrative and disposal costs (typically \$2 - \$4 per bag). Residents are only allowed to dispose of solid waste that can fit in a designated container, placed in the specialized bags, or tagged with approved stickers.

There are some concerns with implementing a PAYT program; more specifically, paying for disposal via expensive bags rather than on a tax bill, and the inconvenience of having to purchase special bags at a specific store. While public perception of PAYT would likely be an obstacle, PAYT motivates residents to recycle more, can significantly increase waste diversion, and typically results in the lowest total program cost per household. If Lower Frederick decides to switch to a municipal-run trash and recycling program in the future, it would be advisable to go directly to a PAYT program since it is more cost-effective and efficient. Lower Frederick can discuss whether viability of a PAYT program is worth assessing in the future.

## 4 RECOMMENDATIONS/SOLUTIONS

The following summarizes the recommendations for the Township to implement a mandatory recycling ordinance:

- **Recycling Ordinance** – Review, revise, and enact the attached Draft Recycling Ordinance that requires residents and businesses to recycle. This must include a provision that prohibits the burning of recyclable materials and leaf waste.
- **Enforcement** – Designate a recycling violations coordinator and establish a clear process for handling violations. For example, the recycling violations coordinator can receive complaints of violation, send a notification of violation, levy potential fines, and have the solicitor proceed with the penalty procedure if the problem is not resolved. The Township should request that waste and recycling haulers inform them of recycling violations, leave containers with unacceptable materials uncollected, tag offending containers, and inform offenders of the reason their recycling was not collected.
- **Education** – The following education initiatives are recommended:
  - o **Hauler** – Review and revise the Draft Hauler Notification included in **Appendix E** and send it to haulers before instituting the recycling ordinance.
  - o **Residents and Business Owners** – Review, revise, and send residents and business owners the Draft Resident and Business Notification with recycling and leaf waste requirements (**Appendix G**) before the ordinance takes effect. Update the Township’s website and Facebook® page, include information in most Township mailings, and prepare press releases. The Township should send out some form of recycling education at least every six months.
  - o **Overall Recycling Education Program** – Review, revise, and publish the material for recycling, included in **Appendix G**, on the Township’s website. Develop a business/landlord contact list and contact businesses occasionally to update recycling information. Contact local organizations to present new recycling information.
- **Other Considerations** – After implementation of the recycling ordinance, consider applying for a Section 902 Grant, implementing recycling drop-off for specific materials, and evaluating the potential for a single-hauler PAYT program.

## 5 CONCLUSION

Ultimately, the Lower Frederick Township Board of Supervisors should choose the recycling program modifications it feels best serve the residents of Lower Frederick at this time. The Township should consult with the Solicitor or legal counsel to evaluate the appropriateness of these recommendations.

**Appendix A**  
**Municipal Recycling Requirements of Act 101**

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## **Summary of Act 101 Mandatory Municipal Recycling Requirements**

### **Overview**

Chapter 15, Section 1501 of the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act (Act 101), outlines the requirements for large municipalities to recycle. Municipalities, other than counties, with a population of 10,000 or more people or with a population of more than 5,000 but less than 10,000 people, and a population density of more than 300 people per square mile, are mandated to recycle.

### **Recycling Ordinance**

An Act 101 mandated local government must adopt an ordinance that requires recycling. The ordinance shall require the following:

- 1) Recycling at single-family homes and apartments; commercial, municipal, and institutional establishments; and at community activities.
- 2) A scheduled day, at least once per month, when separated recyclable materials are to be placed at the curb or similar location for collection.
- 3) A collection system, including trucks and related equipment, to pick-up separated recyclable materials from the curb or similar location at least once per month from homes and businesses in the municipality. The municipality shall explain how the system will operate, the dates of collection, the responsibilities of persons within the municipality and incentives and penalties.
- 4) Provisions to ensure compliance with the ordinance, including incentives and penalties.
- 5) Provisions for the recycling of collected materials.

### **Residential Recycling**

Residents must separate for recycling at least three materials deemed appropriate by the municipality from municipal waste generated at their homes, apartments, or other residential establishments. Separated materials must be stored at the property until collection. The three materials must be selected from the following:

- Clear glass;
- Colored glass;
- Aluminum;
- Steel and bimetallic cans;
- High-grade office paper;
- Newsprint;
- Corrugated paper;
- Plastics.

Leaf waste must also be separated from municipal waste generated at residential properties and stored for collection, unless residents have already provided for the composting of the materials (i.e. backyard composting).

Owners or landlords of multi-family rental properties with four or more units must establish a recycling collection system at each property. 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. Owners or landlords that comply with these requirements shall not be liable for noncompliance by occupants of their buildings.

### **Commercial, Municipal, and Institutional Recycling**

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Occupants of commercial, municipal, and institutional establishments are required separate and store for recycling of the following materials at a minimum:

- High-grade office paper
- Aluminum;
- Corrugated paper;
- Leaf waste.

Occupants of commercial, municipal, and institutional establishments may be exempt from the requirements of this law if those persons have otherwise provided for the recycling of materials they are required to recycle. To be eligible for an exemption, the commercial, municipal, or institutional generator must provide written documentation to the municipality annually.

### **Community Activity Recycling**

Organizers of community events must provide for the separation, storage, and collection of high-grade office paper, aluminum, corrugated paper, and leaf waste at the events. Community activities required to recycle include events sponsored in whole or in part by a municipality or held within a municipality and sponsored privately. Events include fairs, bazaars, picnics, or sporting events that will be attended by more than 200 or more people each day of the event.

### **Leaf Waste Diversion**

Municipalities mandated to recycle under Act 101 must require residential and commercial establishments to separate and store leaf waste for collection. Leaf waste includes leaves, shrubbery, tree trimmings, and similar materials, excluding grass clippings. These materials must be collected at least monthly. In order to comply with Act 101, mandated municipalities must at a minimum:

- 1) Implement an ordinance that requires leaf waste to be separated from municipal waste for recycling at residential and commercial, municipal, and institutional establishments, AND
- 2) Establish a scheduled day, at least once per month, when leaf waste is collected curbside or similar location, OR
- 3) Establish a scheduled day, no less than two times per year and preferably in the spring and fall, when leaf waste is collected curbside or similar location from residential and commercial establishments, AND facilitate a drop-off location or other collection alternative approved by the Pennsylvania Department of Environmental Protection that allows persons to drop-off leaf waste for composting at least once per month. A leaf waste drop-off site can be in a neighboring municipality or at a private establishment provided there is an agreement in place to utilize the site, and residents and occupants of commercial establishments are informed of the drop-off location at least every six months.

Municipalities are encouraged to manage source separated Christmas trees as leaf waste for processing at DEP approved composting facilities.

### **Public Education and Outreach**

Municipalities subject to the requirements of Act 101 must implement a comprehensive and sustained public education program. This program is to provide residents and owners/tenants/occupants of commercial, municipal, and institutional establishments with information on recycling program features and requirements. The educational program includes two features:

- **Initial Education** – At least 30-days prior to the start of a recycling program notify all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements as contained in the ordinance.
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- **Sustained Education** – Every six months the municipality must inform and remind all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements.

Numerous forms of educating the public are acceptable and include:

- Newspaper advertisement circulating in the municipality;
- Public notice posted where such notices are customarily posted;
- Notices in other official notifications (i.e. utility bills);
- Website;
- Newsletter;

A combination of forms are acceptable and at least one form must be in print annually.

### **Implementation**

Municipalities may implement their responsibilities for the collection, transportation, processing, and marketing of recyclable materials in one or a combination of the following ways:

- 1) Collect, transport, process, and market recyclable materials themselves;
- 2) Enter into a contract(s) with other entities for the collection, transportation, processing, or marketing of recyclable materials. If contracting for recycling services, the entity being contracted is responsible to the municipality for implementing of recycling activities.
- 3) Contract with a landfill or material recovery facility, in lieu of a curbside recycling program, that guarantees by contract that at least 25 percent of the waste received is recycled. The technology utilized in this program must have prior approval from DEP.
- 4) Utilize a recycling facility that demonstrates that the materials separated, collected, recovered, or created by the facility can be marketed as readily as materials collected through a curbside recycling program. In addition, the mechanical separation technology used by the facility has been demonstrated to be effective for the life of the facility.

### **Exceptions**

The municipality is not required to collect, transport, process, or market recyclable materials or contract for these services if all of the following conditions are met:

- 1) The municipality is not collecting and transporting municipal waste from such establishment or activity.
  - 2) The municipality has not contracted for the collection and transportation of municipal waste from such establishment or activity.
  - 3) The municipality has adopted an ordinance as required, and the establishment or activity is in compliance with the provisions of the ordinance.
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**Act 140**  
**Requirements for Section 904 Recycling Performance Grants**

**Overview**

Act 101 was amended in 2006 by Act 140 to establishment requirements for the use of Section 904 Recycling Performance Grants.

**Requirements:**

Municipalities mandated to recycle under Act 101 and receive more than \$10,000 in funding from recycling performance grants must meet the following requirements:

- 1) Requires, through ordinance, that all residents have waste and recycling service.
- 2) Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
- 3) Has a residential and business recycling education program.
- 4) Has a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides fines, penalties, or both, in its recycling ordinance.
- 5) Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.
- 6) Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.
- 7) Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipal or municipalities.

If these requirements are not satisfied by the municipality, then the grant funds awarded under this section must be expended by the municipality only to satisfy these requirements. If all these requirements are satisfied, then the grant funds awarded may be used for any expense as selected by the municipality.

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**Appendix B**  
**Draft Recycling Ordinance**

**NOTE: DRAFT – In NO Way does this draft ordinance constitute legal advice. This draft language is presented to convey a proposed structure for the newly mandated recycling program, and is for discussion and review by the municipality, Solicitor, and those they wish to share it with.**

**TOWNSHIP OF LOWER FREDERICK  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. XX      OF 2020**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER FREDERICK, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, ADDING CHAPTER XX OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF LOWER FREDERICK, ENTITLED “MUNICIPAL SOLID WASTE COLLECTION AND RECYCLING PROGRAM” PROVIDING THAT ALL PROPERTY OWNERS, BUSINESSES, AND RESIDENTS SHALL SEPARATE RECYCLABLE MATERIALS FROM TRASH FOR COLLECTION IN THE TOWNSHIP.**

**BE IT ORDAINED AND ENACTED**, by the Board of Supervisors of the Township of Lower Frederick as follows:

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## CHAPTER XX

### MUNICIPAL SOLID WASTE COLLECTION AND RECYCLING PROGRAM

#### GENERAL REFERENCES

Burning, Open – See Ch. 50

General Regulations, Solid Waste Management – See Ch. 170.37

Nuisances – See Ch. 99

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**MUNICIPAL SOLID WASTE COLLECTION AND RECYCLING PROGRAM**  
[Adopted 00-00-0000 by Ord. No. 00-00]

**ARTICLE I**  
**GENERAL**

**§ XX-1. Short title.**

This article, “Municipal Solid Waste Collection and Recycling Program” Chapter XX of the Code of Ordinances of Lower Frederick Township, shall be known and may be cited as “The Lower Frederick Township Recycling Ordinance of 20\_\_”

**§ XX-2. Statement of policy.**

The Township of Lower Frederick hereby establishes a program for the reduction of the amount of solid waste sent for disposal and the conservation of certain recyclable material, as defined herein, by the separation and collection thereof in the Township of Lower Frederick pursuant to 53 P.S. § 4000.1501, et seq.

**§ XX-3. Definitions.**

The following words, terms, and phrases, when used in this article, unless the context clearly indicates otherwise, shall have the meanings set forth below:

**TOWNSHIP** - The governmental jurisdiction and legal entity of the Township of Lower Frederick, County of Montgomery, Pennsylvania.

**BULK WASTE** - All waste materials too large for collection in ordinary containers. Examples of bulk waste include: furniture, appliances, carpeting and similar items. Bulk waste shall not consist of electronics, hazardous waste, or any items that may be packaged and disposed of using regular trash collection procedures.

**CANS** - Containers comprised of aluminum, tin, steel, or a combination thereof which contain or formerly contained only non-aerosol substances.

**CARDBOARD** - All corrugated or other cardboard normally used for packing, mailing, shipping, or containerizing goods, merchandise, or other material, but excluding plastic, foam, or wax-coated or soiled cardboard.

**CATALOGS** - Printed material soliciting products for sale to the reader.

**COMMERCIAL** - Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. Multifamily dwellings, town homes, mobile home parks, hotels, motels, mixed-use properties (combined business/residential on a single parcel) and farms which use commercial dumpsters shall be considered commercial establishments. Does not include properties where primary permitted use is residential and accessory use is commercial (i.e., home occupations). Multiple dwelling residential

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buildings, including residential units over store front commercial business, containing more than three (3) dwelling units, shall be treated as commercial properties

**COMMINGLED RECYCLING** - Commingling of several recyclable materials into one container for processing and pickup, also referred to as single stream recycling.

**COMMUNITY ACTIVITIES** - Church, school, civic, service group, municipal functions, and all other such functions conducted within Lower Frederick Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 25 or more individuals per day.

**COMPOSTING** - A process involving the microbial decomposition of organic matter.

**CORRUGATED PAPER** - Structural paper material with an inner core shaped in rigid parallel furrows and ridges. (i.e., cardboard)

**CURBSIDE RECYCLING COLLECTION** - The scheduled collection and transportation of recyclable materials placed at the curblineline or other area designated by the collector.

**DISPOSAL FACILITY** - A State-permitted facility which processes or acts upon solid waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility or a sanitary landfill.

**DROPOFF SITES** - Those specified, permitted locations, staffed or unstaffed, where recyclable materials may be taken at specified times.

**DWELLING UNIT** - An occupied single or multi-family structure having up to, and including, three dwelling units per structure, or each unit in a multi-family structure if the units are individually owned with a separate entrance onto a public or approved private street.

**ENFORCEMENT OFFICER** - The official designated herein or otherwise charged with the responsibilities of administering this ordinance, or the official authorized representative.

**FARM** - Any number of continuous lots comprising, in the aggregate, five (5) or more acres under common control by way of ownership or lease, used in whole or in part for agricultural purposes including, without limitation, the growing of crops or the keeping of farm animals, including without limitation, cattle, horses, goats, sheep, alpacas, or maintained in anticipation of farm use as set forth herein.

**GLASS CONTAINERS** - Bottles and jars made of clear or colored glass. Expressly excluded are non-container glass, mirrors, automobile glass, dishware, plate glass, crystal, light bulbs and porcelain and ceramic products.

**HIGH-GRADE OFFICE PAPER** - All white paper, bond paper, and computer paper used in commercial, industrial, institutional and municipal establishments.

**INDUSTRIAL** - Any establishment engaging in manufacturing or processing including, but not limited, to factories, foundries, mills, processing plants and refineries.

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

**JUNK MAIL/ENVELOPES** - Mail received but not for a specific purpose and the container that mail is mailed in.

**LEAD ACID BATTERIES** - Shall include, but not be limited to, automotive, truck and industrial batteries that contain lead.

**LEAF WASTE** - Leaves from trees, bushes, and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

**MAGAZINES AND CATALOGS** - Glossy publications including catalogs.

**MUNICIPAL SOLID WASTE** - Any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial, or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facilities (Pennsylvania Act 101, Section 103), but excluding human body waste, debris from household renovations, whether interior or exterior, dirt, rock, lead pipes, leaf waste, hazardous wastes, and recyclable items as defined herein.

**MUNICIPAL WASTE COLLECTOR** - Any person collecting or transporting municipal waste or recyclable materials for owners or occupants of property in Lower Frederick Township, and any business or institution within Lower Frederick Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection or transportation of municipal waste or recyclable materials. Municipal waste collectors must be authorized by the State of Pennsylvania.

**MUNICIPALITY** - The Township of Lower Frederick.

**NEWSPAPER** - All paper of the type commonly referred to as newsprint and distributed at fixed intervals having printed thereon news and opinions, containing advertisements and other matters of public interest including glossy inserts. Expressly excluded is junk mail included with newspapers.

**PAPER (ANY GRADE)** - Printing and writing papers not considered newspaper, including, without limitation, printed white ledger and computer print and notebook paper.

**PAPERBOARD** - A heavier and thicker paper used as cereal boxes and beer and soda carriers.

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

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duties.

**PLASTIC CONTAINERS** - Bottles, jars, and food containers only (i.e., milk, water, soda, detergent, shampoo) labeled with a SPI Code Numbers 1, and 2, excluding plastic bags and plastic film. Excluded are motor oil bottles, flower pots, pens, plastic wrap and expanded polystyrene.

**RECYCLABLE MATERIALS** - Source-separated recyclable materials, including materials listed in Section 1501 of Act 101 and materials identified by the Township to be recycled. Any materials established by the Township Supervisors from time to time by resolution, which may include: cans, cardboard, catalogs, glass bottles/jars, junk mail/envelopes, magazines, newspaper, paper (any grade), paperboard, plastic containers, telephone/soft-covered books, leaf waste and/or yard waste and any other materials which the Township Supervisors may deem by resolution to be recyclable.

**RECYCLING** - Any process by which material that would otherwise become solid waste is collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

**RECYCLING COLLECTION SERVICES** - Those services to be performed as follows:

- A. The collection of recyclable materials from locations within the municipality.
- B. The delivery of recyclable materials to a recycling facility.

**RECYCLING CONTAINERS** - A container designated by the property owner or resident for the storage of recyclable materials.

**RECYCLING DROPOFF** - Any facility designed and operated solely for the receiving and storing of materials that are to be returned to the economic mainstream instead of becoming part of the solid waste stream.

**RESIDENTIAL** - See "dwelling unit."

**SOLID WASTE** - Waste, including but not limited to municipal, commercial, institutional, or industrial waste.

**SOURCE SEPARATION** - The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

**TELEPHONE/SOFT-COVER BOOKS** - Printed material with non-hardbound covers used for reading or listing of phone numbers.

**YARD WASTE** - Tree limbs and branches may not exceed four inches in diameter or four feet in length; the term does not include leaves or grass clippings.

**§ XX-4. Authority to establish regulations by resolution.**

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1. The Township Supervisors shall have the authority to adopt, modify, and amend recycling regulations from time to time by resolution, including, without limitation, regulations regarding which recyclable materials must be recycled and regulations requiring residents to source-separate recyclable materials and/or place recyclable materials for collection. Any regulations so adopted by the Township Supervisors shall be published at least one time in a newspaper of general circulation in the Township and posted on the Township's website. Violations of any such regulations shall be deemed to be violations of this article and subject to the same penalties hereunder.

2. There is hereby established, starting upon enactment of this Ordinance, and until modified or amended by resolution as permitted herein, a program for the mandatory source-separation and collection of recyclable materials from municipal waste, as set forth herein, from residential, commercial, institutional, and municipal establishments within the Municipality. The occupant or owner of a home, apartment, or other residential establishment shall separate recyclable materials, leaf waste, and yard waste from other municipal solid waste. In addition, commercial, industrial, institutional, and municipal establishments and community events shall separate recyclable materials, leaf waste, and yard waste from other municipal solid waste as described in this Section.

3. Items to be recycled by dwelling units, mobile home parks, commercial, industrial, institutional, municipal facilities, and community activities shall be clean and free of residue to the extent possible, and shall include, at a minimum:

- A. Glass containers (excluding mirrors, window glass, and crystal)
- B. Cans: Aluminum, tin, bimetallic, steel
- C. Plastics: No. 1, and 2
- D. Paper: newspaper, books, phone books, catalogs, magazines, junk mail, paper, envelopes, high grade office paper
- E. Cardboard boxes and containers: Corrugated and paperboard (excluding expanded polystyrene, take out and pizza boxes, and containers with food residue)

## ARTICLE II HANDLING AND DISPOSAL OF MUNICIPAL SOLID WASTE

### **§XX-5. Municipal Solid Waste Collection and Disposal.**

1. All municipal solid waste generated by persons throughout the Township shall be collected by a state-authorized municipal waste collector.

2. Residents, Businesses, Landlords, Industries, and Institutions may be required to

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provide proof of a contract with a municipal waste collector or proof of proper self-disposal at a State permitted disposal facility

3. Collection of municipal solid waste and recyclable materials shall be made by the municipal waste collector at a minimum of once per week or at such frequency as shall be set forth in rules and regulations adopted hereunder.

4. Owners, landlords or residents of multi-family residential dwellings with two or more units including, but not limited to rental townhouses, condominiums and apartments, shall comply with their responsibilities under this Ordinance by establishing a common system for the collection of municipal solid waste and recyclable materials for all residents of such property by a municipal waste collector.

5. Containers for municipal solid waste, recyclable materials, bulk waste, leaf waste, and yard waste set out for collection shall be placed at the street curb or at the end of the driveway of the property from which collected, but in no case within the paved cartway of the street. It is the responsibility of the individual residents to place their containers at curbside in time for collection by the municipal waste collector. Containers shall not be placed in a location which obstructs a public sidewalk or which impedes clear vision for motorists traveling on the adjacent street or at intersections. Containers shall be taken inside or removed from the curbside no later than 11:59 p.m. of the collection day.

6. Bulk containers (such as dumpsters) shall not be permitted to overflow or to have municipal waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Part by the person on whose property the bulk container is located, if it is located on private property.

7. Nothing herein shall limit the right of the Township to implement public collection of municipal waste or recyclables wither by entering into contracts or by engaging in any collection practice permitted by law.

8. Nothing in this Section shall modify the requirements in this Part 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 for Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

**§XX-6. Unlawful Disposal of Municipal Solid Waste.**

It shall be unlawful for any person to bring any municipal solid waste into the Township or to transport municipal solid waste from one address to another within or outside of the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.

**§XX-7. Bulk Waste.**

Bulk waste may be collected by the municipal waste collector separately from municipal solid waste or by a legitimate salvage dealer that is in the business of disposing or recycling such items. Disposal of bulk waste shall be in accordance with Pennsylvania State law and at a State permitted disposal facility.

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**§XX-8. Hazardous Waste, Batteries, and Electronic Waste.**

1. It shall be unlawful for any person to place hazardous or residual waste, as defined in Act 101, in mixed municipal solid waste, discard, or otherwise dispose of hazardous or residual waste except by disposal in compliance with applicable State and Federal laws and regulations.

2. It shall be unlawful for any person to place a lead acid battery in mixed municipal solid waste, discard, or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth.

3. In accordance with Act 108, no person or company may dispose of a covered device or any of its components with their municipal solid waste. This type of waste requires special collection and disposal arrangements. Information may be obtained from the County. Covered Devices include:

- A. Desktop computers, laptop computers, computer monitors, CPUs
- B. Computer peripherals (keyboards, mouse, printers, scanners and faxes)
- C. Cables, battery backups
- D. Radios and speakers
- E. Televisions and television screens

4. Companies recycling electronics in Pennsylvania must have R2 or similar certification that assures the public that any information contained in recycled devices is protected until the time the device is destroyed, and the human health and the environment are protected at all steps during the recycling process, whether the recycling occurs in the United States or abroad.

5. Large and small appliances containing Freon may not be combined with municipal waste. These appliances contain CFCs and Freon that must be removed by a certified professional, and these should be taken to a Freon-certified handler. Freon-containing appliances may include refrigerators, freezers, air conditioning units, dehumidifiers, water coolers, and mini-fridges.

**ARTICLE III  
HANDLING AND DISPOSAL OF RECYCLABLES**

**§XX-9. Separation of Recyclable Materials.**

1. There is hereby established a program for the mandatory source-separation and collection of recyclable materials from municipal waste, as set forth herein, from residential, commercial, institutional, and municipal establishments within the Township. The occupant or owner of a home, apartment, or other residential establishment shall separate recyclable materials and leaf waste from other municipal solid waste. In addition, commercial, institutional and municipal establishments and community events shall separate the materials

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described in this Section.

2. Items to be recycled by dwelling units and mobile home parks include, at a minimum:

- A. Glass containers.
- B. Cans.
- C. Plastics: No. 1 to No. 2.
- D. Paper: newspaper, books, catalogs, magazines, junk mail, paper, envelopes.
  
- E. High-grade office paper.
- F. Corrugated cardboard.

3. Items to be recycled by commercial, industrial, institutional, municipal, and community activities include at a minimum:

- A. Glass containers.
- B. Cans.
- C. Plastics: No. 1 to No. 2.
- D. Paper: newspaper, books, catalogs, magazines, junk mail, paper, envelopes.
- E. High-grade office paper.
- F. Corrugated cardboard.

4. All persons owning or occupying residential, commercial, industrial, or institutional establishments or conducting community activities within the Township of Lower Frederick and all other persons not served by the collection system operated by the Township of Lower Frederick must establish a system for source separation, collection, and transportation of designated recyclables at each property within 30 days of the date of enactment of this Ordinance. Arrangement for collection of designated recyclables for disposal herein shall be the responsibility of the person who generated the recyclables and/or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Such arrangements may include, without limitation, direct marketing of recyclables, delivery to a drop-off, contracts with solid waste collectors/haulers for separate or commingled collection of any or all designated recyclables, or contracts with other persons for separate or commingled collection of any or all designated recyclables. The system must include suitable containers for collecting and sorting materials at an easily accessible location and written instructions to the occupants concerning the use and availability of the system, a written report stating the name of the hauling contractor (if the property owner used one), the total weight of each kind of material recycled during the previous calendar year, and any other relevant information required by the Township of Lower Frederick.

5. The municipal waste collector, municipality, or any other person collecting solid waste generated within this municipality may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this article. Similarly, the municipal waste collector, municipality, or any other person collecting recyclables generated within this municipality may refuse to collect recyclables from any person who has contaminated recyclables with materials not designated as acceptable recyclable material under an applicable section of this article.

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6. All community activities or events sponsored within the Municipality shall separate aluminum, glass, plastics, and corrugated cardboard, store materials until collected by a municipal waste collector and provide written documentation before January 30<sup>th</sup> of the following year, to the Municipality of the total weight of each kind of material recycled.

7. All recyclable waste generated by persons throughout the Municipality shall be collected by a state-authorized municipal waste collector.

**§XX-10. Residential Collection.**

1. Collection of recyclable materials shall be made by a municipal waste collector at a minimum of once per week. When placed at the curb for collection in accordance with the provisions of this Ordinance, recyclable materials shall be placed in separate, reusable containers, which clearly identify the contents as recyclables. No person shall place municipal solid waste, leaf waste, or yard waste in containers designated for the separation and collection of recyclables. No person shall place recyclable materials, leaf waste, or yard waste in containers used for the separation and collection of municipal solid waste.

**§XX-11. Multi-Family Residential Collection.**

1. An owner, landlord or agent of an owner or landlord of a multi-family residential dwelling unit with two or more units, or the residents of multi-family residential dwelling units acting by and through a duly constituted homeowners' association, shall comply with their responsibilities under this Part by establishing a collection system for recyclable materials at each property and pickup by a authorized municipal waste collector. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants or residents concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with the requirements of this section shall not be liable for noncompliance of occupants of their buildings

**§XX-12. Commercial, Institutional and Municipal Recycling.**

1. All persons occupying commercial, institutional and/or municipal establishments within the Township shall separate materials listed in Section XX-9, generated at such establishments; store the materials until collected by an authorized municipal waste collector; and annually provide written documentation to the Township of the types of materials and the total tons of materials recycled. Such documentation shall be provided to the Township within 30 days of the end of each calendar year.

**§XX-13. Community Activities.**

1. All community activities or events sponsored within the Township shall separate aluminum, glass, plastics, and corrugated cardboard; store materials until collected by a authorized municipal waste collector for recycling; and provide written documentation to the Township of the type of materials and the total tons of materials

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recycled.

**ARTICLE IV**  
**HANDLING AND DISPOSAL OF LEAF WASTE**

**§XX-14. Separation of Leaf Waste.**

1. There is hereby established a program for the mandatory source-separation and collection of leaf waste within Lower Frederick Township. The occupant or owner of a home, apartment, or other residential establishment shall separate leaf waste from other municipal solid waste. Owners, landlords and agents of owners or landlords will be responsible for compliance with the collection of leaf waste in accordance with this Part. All persons occupying commercial, institutional and/or municipal establishments within the Township shall collect and separate leaf waste in accordance with this Part and store the leaf waste until collected and recycled.

**§XX-15. Residential, Multi-Family Residential, Commercial, Institutional, and Municipal Collection.**

1. All leaf waste shall be source-separated from municipal solid waste and recyclable materials. Leaf waste shall be collected by a municipal waste collector in accordance with a schedule established annually by the municipal waste collector, but no less than one collection in the Spring and no less than twice during the months of September through December. When the municipal waste collector has scheduled collection of leaf waste, leaf waste shall be placed in separate containers (can, box or bag) at the curb for collection. Leaf waste collected must be taken to a State permitted compost facility.

2. Residents have the option of disposing of leaf waste by composting and/or mulching, and therefore would not be required to comply with the provisions of this section if they choose to compost their leaf waste. Backyard compost should be managed as to not create a nuisance.

3. Residents have the option of disposing of leaf waste by self-hauling to a State permitted compost facility, such as the Barnside Composting Site in Schwenksville, and therefore would not be required to contract a municipal waste collector for disposal of leaf waste.

**§XX-16. Farm Use of Recyclable Material.**

1. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation on farm use property, including use of newspaper (e.g. shredding for bedding for farm animals), composting and spreading of manure or other farm-produced agricultural wastes, as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules, regulations.

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## **ARTICLE V**

### **PROHIBITION OF OUTDOOR BURNING, ILLEGAL DUMPING, AND UNLAWFUL ACTIVITIES**

#### **§XX-17. Prohibition of Outdoor Burning.**

1. It shall be unlawful for any person to burn or cause to be burned outdoors for purposes of disposal any municipal waste, leaf waste, yard waste or recyclable materials that are required to be separated and collected pursuant to this Ordinance.

2. Nothing contained herein shall prohibit a farmer from carrying out the normal and customary activities of his farming operations as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules, regulations. A farmer may not burn municipal waste, leaves, and recyclables generated at a residential dwelling unit located on farm use property or generated at any other residential property.

#### **§XX-18. Prohibition of Illegal Dumping and Unlawful Activities.**

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable material except at a facility or in preparation for collection by a authorized municipal waste collector as provided herein. Notwithstanding the foregoing, leaf waste and yard waste may be composted.

2. An accumulation, dumping, or depositing of trash, garbage, ashes, rubbish, and/or other refuse on any private or public property or grounds within the Township is hereby prohibited.

3. It shall be unlawful for:

- i. Any person to violate, or to cause or to assist in the violation of, any provision of this ordinance.
  - ii. Any person to hinder, to obstruct, to prevent, or to interfere with this municipality or its personnel in the performance of any duty under this article or in the enforcement of this article.
  - iii. Any person to store, process or dispose of any regulated municipal waste or designated recyclable material except at a facility or in preparation for collection by an authorized municipal waste collector as provided herein. Notwithstanding the foregoing, leaf waste and yard waste may be composted.
  - iv. Any person to accumulate, dump, or deposit trash, recyclables, garbage, ashes, rubbish, and/or other refuse on any private or public property or grounds within the Township.
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- v. Any person on whose property a bulk container is located to allow bulk containers (such as dumpsters) to overflow or have municipal waste or recyclables strewn or left about them on the ground.
4. All unlawful conduct set forth in this section is hereby prohibited and shall constitute a public nuisance.

**ARTICLE VI**  
**WASTE COLLECTOR AUTHORIZATION**

**§XX-19. Registration Program Established.**

1. With the exception of those persons who directly deliver (self-haul) their municipal waste and/or recyclables, it shall be unlawful for any municipal waste collector to collect and/or transport municipal waste or recyclable materials from any other person's property within Lower Frederick Township without having first registered with the Township and be duly authorized by the Commonwealth of Pennsylvania. Any and each such collection in violation hereof from each location shall constitute a separate and distinct offense, punishable as hereinafter provided. The Township may decide at any time to enter into an exclusive contract for residential and/or commercial municipal solid waste collection or any part thereof.

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

**§XX-20. Registration Requirements.**

1. All municipal waste collectors shall be registered with the Township through an application process as outlined below.

2. As a condition of the registration, the municipal waste collector shall provide for the collection of municipal solid waste, bulk waste, recyclable materials, and leaf waste, including annual written reports to the Township of the materials collected. Such reports shall include separate tonnages of each type of recyclable material, including leaf waste, collected in the Township for the past calendar year. Residential and commercial tonnages shall be reported separately. Such reports shall be provided to the Township within 30 days of the end of the calendar year

3. A registered municipal waste collector may collect or transport such municipal solid waste or other designated materials within the Township for one calendar year (January 1 through December 31). Each collector must renew the registration no later than January 30 of each calendar year. Any municipal waste collector that is registered shall have the privilege of collecting and transporting municipal solid waste, bulk waste, recyclables, and leaf waste, as defined herein, from within the Township, in strict conformance with this Ordinance and any

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other applicable State, Federal or local provision of law.

4. Contents of application – At the time of application, the municipal waste collector shall provide the following information to the Township:

- A. The name of the municipal waste collector, the name of a contact person, an email address, the business address, fax, and telephone number of the business office and a 24-hour emergency telephone number to receive calls from persons in the Township who receive collection service.
- B. The dates of proposed leaf waste, solid waste, and recyclable material collection for residential and commercial clients.
- C. The annual written recycling report with collected material tonnages.
- D. A certificate of the municipal waste collector's workmen's compensation insurance, as required by law; naming the Township as additional insured.
- E. A certificate of insurance covering complete third-party public liability for bodily injury and property damage, municipal waste collector's protective insurance and automotive insurance with respect to personal injuries and property damage, or owner of the municipal waste collector if the owner is considered a separate entity. Such insurance shall be in amounts that shall be from time to time, set forth by the Board of Supervisors by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Ordinance shall carry with it an endorsement to the effect that the insurance carrier will convey to the Township by certified mail, written notice of any modifications, alterations or cancellations of any such policy or policies of the term thereof. The above- mentioned written notice shall be mailed to the Township at least 10 days prior to the effective date of any such modifications, alteration or cancellation.
- F. The approved disposal site where municipal solid waste, bulk waste, and leaf waste will be taken, as provided in the Montgomery County Solid Waste Management Plan.
- G. The processing and/or marketing facility where the recyclable materials will be taken.
- H. Such other information as the Township, in furtherance of this Ordinance, shall deem appropriate and necessary.

#### **§XX-21. Collection Requirements.**

1. Except as provided herein below, the municipal waste collector shall establish a program for the collection and transportation of municipal solid waste, bulk waste, recyclable materials, and leaf waste and shall at a minimum comply with the following:

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- A. Establish procedures for the separation, storage and collection of recyclable materials and provide Township residents with adequate notification of all procedures.
- B. Provide for the collection of leaf waste in compliance with Article IV.
- C. Provide for the collection of bulk waste.
- D. Issue warning notices of violations to persons failing to comply with procedures for the separation, storage and collection of bulk waste, recyclable materials and leaf waste, and provide a copy of such warning to the Township.
- E. Provide annual written and certified documentation to the Township, within 30 days of the end of the calendar year, to provide the following:
  - i. Total number of tons of designated materials that were collected and recycled
  - ii. Separate totals for residential and commercial of each designated materials
  - iii. The place of disposal of each designated materials

**§XX-22. Prohibitions.**

- 1. It shall be unlawful and a violation of this Part for any municipal waste collector to:
    - A. Collect or transport any municipal solid waste, bulk waste, recyclable materials or leaf waste from any person failing to source-separate said materials in violation of this Ordinance.
    - B. Comingle recyclables or leaf waste collected within the Township with municipal solid waste.
    - C. Fail to provide for the proper disposal of any municipal solid waste, bulk waste, recyclable materials or leaf waste collected or transported within the Township.
    - D. Commence the collection of municipal waste, bulk waste, recyclable materials or leaf waste for any property in the Township prior to 7:00 a.m. or after 8:00 p.m.
    - E. Load or operate any vehicle within the Township or transport municipal solid waste, bulk waste, recyclable materials or leaf waste within the Township in such a manner as to allow municipal solid waste, bulk waste, recyclable materials or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
    - F. Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off of the roadway.
    - G. Fail to accurately report the residential and commercial tonnages of recyclable materials collected in the Township in accordance with this Part.
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H. Otherwise create a public nuisance.

**ARTICLE VII**  
ADOPTION OF RULES AND REGULATIONS

**§XX-23. Rules and Regulations.**

1. The collection of municipal solid waste, bulk waste, recyclable materials or leaf waste by the designated municipal waste collector, the preparation for collection of municipal solid waste, bulk waste, recyclable materials, or leaf waste by property owners, residents, commercial, industrial, and institutional entities of the Township and the provision of reusable containers for the temporary collection and storage of waste or recyclables by the Township shall be made in compliance with any regulations which are adopted by the Board of Supervisors to carry out the intent and purpose of this Part. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this Part. Said rules and regulations may be amended, modified, or repealed by resolution of the Board of Supervisors.

**ARTICLE VIII**  
ENFORCEMENT, VIOLATIONS, AND PENALTIES

**§XX-24. Enforcement, Violations, and Penalties.**

1. Any person who violates or permits the violation of any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, shall pay a fine for each such violation in an amount not less than \$100 and not more than \$1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of each Part continues, or each Section of this Part, which shall be found to have been violated shall constitute a separate offense. No judgment shall be imposed until the District Justice imposes the date of determination of a violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

2. Private haulers who shall violate any provision of this Part may be reported to the DEP, by the Township, and may be subject to the revocation of the Commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq.

3. The Code Enforcement Official, the Property Maintenance Officers, Township police officers, and other appointed Township officials are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting

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through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material. An inspection may also consist of sorting through containers and opening of recyclable material containers to detect, by sound or sight, the presence of any solid waste.

4. In addition to any other remedy provided in this article, the Township of Lower Frederick may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this article for an injunction to restrain a violation of this article. In addition to an injunction, the court may impose penalties as authorized by other Chapters hereof.

5. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township of Lower Frederick from exercising any other remedy provided by this article or otherwise provided at law or equity.

#### **ARTICLE IX SEVERABILITY AND CONSTRUAL OF PROVISIONS**

##### **§XX-25. Severability.**

1. If any part of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining parts of this Ordinance, which shall continue to be fully operative as if the unconstitutional, illegal, or invalid parts had not been enacted.

##### **§ XX-26. Construal of provisions.**

1. The terms and provisions of this article are to be liberally construed so as best to achieve and to effectuate the goals and purposes hereof.

#### **ARTICLE X REPEALER**

##### **§XX-27. Repealer.**

1. Upon enactment of this Ordinance, any and all provisions of any other Ordinance that are inconsistent with the provisions of this Ordinance are hereby repealed.

#### **ARTICLE XI EFFECTIVE DATE**

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**Appendix C**  
**Example Notice of Violation**

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**EXAMPLE NOTICE OF VIOLATION**



Lower Frederick Township Letterhead  
(Address)  
(City, State, Zip)  
(Phone)  
(Fax)

(Date)

Attn: (Name)  
(Address)  
(City, State, Zip)

**RE: FIRST AND FINAL NOTICE OF RECYCLING PROGRAM VIOLATION**

Dear (Name):

All residents and businesses, including multi-family dwellings and apartments, in Lower Frederick Township are required by Ordinance #\_\_\_\_\_ to separate recyclables and leaf waste from the municipal waste stream. The burning of recyclables and leaves is prohibited. You have been found in violation of Ordinance # \_\_\_\_\_ due to

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A copy of the Ordinance is enclosed. Please note the applicable fines, fees, and penalties. Each day that a person is in violation of the ordinance constitutes a separate offense. Please remedy the aforementioned problem(s) within 10 calendar days.

We appreciate your cooperation with Lower Frederick’s mandated recycling and leaf collection program. If you have any questions, please contact the Township at (610) 287-8857 or [staff@lowerfrederick.org](mailto:staff@lowerfrederick.org)

Sincerely,

Lower Frederick Township  
Recycling Violations Coordinator

Enc. (1)

**Appendix D**  
**Draft Hauler Notification**

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## EXAMPLE HAULER NOTIFICATION



Lower Frederick Township Letterhead  
(Address)  
(City, State, Zip)  
(Phone)  
(Fax)

(Date)

Attn: (Hauler Contact) (Hauler  
Company Name) (Address)  
(City, State, Zip)

Dear (Hauler Contact):

Lower Frederick Township recently adopted a Recycling Ordinance effective beginning \_\_\_\_, mandating that residents and businesses in Lower Frederick Township participate in a recycling and leaf waste collection program. All residents and businesses, including apartments and multi-family dwellings, are required to obtain recycling and yard waste collection services independently.

We have enclosed a copy of the ordinance, and below are a few key points to note.

- **Recycling Collection:** Haulers must collect recyclables including, at a minimum, glass, plastics containers #1 and #2, aluminum and bimetallic cans, mixed paper, and cardboard, from residential and business properties. Please inform your customers of the proper way to prepare recyclables for pick up.
  - **Leaf Waste Collection:** Haulers must collect source-separated leaf waste at least once in the spring and twice in the fall and deliver the material to a state-approved composting facility. Please inform your customers of the proper way to prepare leaf waste.
  - **Hauler Reporting:** Haulers operating in Lower Frederick Township must report the annual collected recycling and leaf tonnage to the Township by January 30<sup>th</sup> of the following calendar year.
  - **Education:** The Township will implement a recycling education campaign with the adoption of the Recycling Ordinance. We hope to work in conjunction with haulers to provide continuing recycling education to remind residents and businesses of the proper recycling methods and leaf-pickup schedules. Haulers can include recycling and leaf pickup information with customer bills or as separate literature provided to customers.
  - **Enforcement:** The Township will establish a system to handle recycling and waste violations and complaints of which we are made aware. We hope haulers will provide curbside feedback to customers in the form of a tag or sticker left on containers if
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the hauler notices inappropriate material in the can (e.g., trash in the recycling can, recyclables in the trash can, leaf waste in the trash can). The Township would also appreciate the reporting of any violations (recycling combined with trash, leaves combined with trash) to the Township Recycling Coordinator.

We appreciate your cooperation as Lower Frederick establishes a mandated recycling and leaf collection program. If you have any questions, please contact the Township at (610) 287-8857 or [staff@lowerfrederick.org](mailto:staff@lowerfrederick.org).

Sincerely,

Lower Frederick Township Recycling Coordinator

Enc. (1)

**Appendix E**  
**Draft Resident and Business Notification**

## EXAMPLE RESIDENT AND BUSINESS NOTIFICATION



ATTN: Lower Frederick Township Residents and Businesses  
RE: New Recycling and Leaf Waste Ordinance

### *Lower Frederick is enacting a Recycling Ordinance!*

Effective \_\_\_\_, Lower Frederick Township will enact Recycling Ordinance #\_\_\_\_\_, requiring that:

- All residents and businesses must separate **recyclables** from their solid waste, including glass, #1 and #2 plastic containers, aluminum and bimetallic cans, paper, and cardboard.
- All residents and businesses must separate **leaf waste**, including leaves from trees, bushes, and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings, from their solid waste, and either compost leaf waste on their property, set leaves out during municipal leaf pickup days, self-haul the leaf waste to a state-approved composting facility (such as the Barnside Facility in Schwenksville) or have a hauler collect the leaf waste, to be delivered to a state-approved composting facility.
- All residents and businesses are **prohibited from burning** recyclables and leaf waste, or including these items with their other solid waste (trash).

**RESIDENTS, BUSINESSES, AND LANDLORDS:** All residents, businesses, and multi-family dwellings are required to contract with a hauler for the collection of the listed recyclable materials and leaves. Lower Frederick is committed to aiding residents and businesses with this transition! The Township has posted information at [Lowerfrederick.org/Trash-and-Recycling](http://Lowerfrederick.org/Trash-and-Recycling) for how to arrange for these collection services.

We realize these new rules represent a change for many of our residents and businesses. We are committed to supporting you through this transition, as we all make an effort to comply with the new Ordinance. We appreciate your cooperation.

Please contact the Township with recycling questions, problems, or to report illegal dumping or littering. For a copy of the new Ordinance, and more recycling information, please visit our website [Lowerfrederick.org/Trash-and-Recycling](http://Lowerfrederick.org/Trash-and-Recycling). We are all responsible for making Lower Frederick cleaner and greener!

Sincerely,

Lower Frederick Township Administration  
(610) 287-8857

Like us on Facebook: Lower Frederick Township – Montgomery County, PA

**Appendix F**  
**Draft Recycling Webpage Material**

## Recycling and Solid Waste Information

Let's Make Lower Frederick Township Cleaner and Greener!

**Recycling is now mandatory in Lower Frederick for all residents and businesses per Ordinance # [link].**

By law, trash cannot be placed in the recycling containers, and designated recyclable materials and yard waste cannot be placed in the trash.

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## Trash and Recycling Collection

Since 1988, almost 2,000 Pennsylvania municipalities have required recycling, and Lower Frederick is now one of them! By law, all residents, businesses, and those living in multi-family or apartment-type dwellings are required to recycle at a minimum

- Paper
- Cardboard
- Aluminum Cans
- Steel and Bimetallic Cans
- Glass
- Plastics #1 and #2

\*all recyclables should be cleaned and emptied

\*\* follow the guidelines of your waste/recycling hauler

Residents and Businesses will continue to contract privately with the hauler of their choice. Haulers must provide weekly recycling collection, and yard waste collection at least three times per year, once in the Spring and twice in the Fall.

## Recycling Hauler Contacts

(this list may be incomplete and does not constitute an endorsement or recommendation of the following haulers)

Advanced Disposal	610-313-9710
AJ Blosenski Inc.	610-942-2707
Cogle's Recycling, Inc.	610-562-8336
J.P. Mascaro & Sons	610-272-2765
Republic Services	610-265-6337
Waste Management	877-394-4814
Whitetail Disposal	610-754-0103

## Commercial Recycling

### Commercial Requirements

All residents and businesses, including multi-family dwellings, in Lower Frederick Township are responsible for contracting privately with a waste, recycling, and yard waste hauler.

By Township ordinance businesses must provide a recycling program for employees/tenants. Here are some ideas for starting a recycling program:

- 1) Contact your trash hauler and request recycling pickup.  
OR  
Contact multiple haulers to get quotes on trash and recycling pickup services, see the list of haulers above.
- 2) Place recycling receptacle(s) next to your trash receptacle(s).
- 3) Place recycling receptacle(s) near resident/employee mailboxes and printers for easy recycling of junk mail, telephone books, and other paper.
- 4) Clearly identify or label which receptacles are for recycling and which are for trash
- 5) Inform your residents/employees about the recycling program. Provide them with a Recycling Requirements Notice.
- 6) Place a Recycling Reminder Poster in common areas, including what materials can be recycled.
- 7) Include a recycling requirement in your lease agreement, and provide each new renter with a list of Acceptable Recyclable Materials during lease agreement signing.
- 8) Continue recycling education efforts.

## Yard Waste

### Leaf Collection

Leaves and Yard Waste must be collected by your privately contracted hauler at least three times per year, typically once in the spring and twice in the fall.

### Yard Waste

Yard Waste may be dropped off at the Barnside Farm Compost Facility in Schwenksville (fees may apply). Please refer to the yard waste guidelines of the facility: <http://www.barnsidefarm.com/>

### Composting

Backyard Composting is an easy way to reduce waste, and reuse plant materials. Composting requires a space of about 4' x 4'. Use a compost bin, or homemade enclosure of wood or fence, and pile leaves, grass clippings, and vegetable and fruit peels (no meats, bones, oils, dairy, or trash) in the enclosure. Turn the compost pile periodically or add red wiggler worms to aid in the decomposition process.

Decomposition can take up to 2-3 years, but the finished compost product is a great addition to your garden beds.

### Contacts/ Links

To report illegal dumping, littering, or recycling issues, please contact the Lower Frederick Township Office by phone or email at [staff@lowerfrederick.org](mailto:staff@lowerfrederick.org)

Lower Frederick Township Office 610-287-8857.  
Montgomery County Recycling Hotline 610-278-3618

Find out where to recycle anything, [www.Earth911.com](http://www.Earth911.com)  
Look up MontCo Recycling Events, [www.MontgomeryCountyRecycles.org](http://www.MontgomeryCountyRecycles.org)

Find us on Facebook@:  
Lower Frederick Township – Montgomery County, PA

Follow us on Twitter@:  
[@lowerfredericktownship](https://twitter.com/lowerfredericktownship)