

Solid Waste and Recycling Ordinance Updates and Revisions

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Appendix A – Act 101 Municipal Recycling Requirements

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1 PROJECT DESCRIPTION

In January 2024, Lower Allen Township executed a new contract for the collection of recyclable materials generated in the Township. The new contract, coupled with changing recyclable material collection practices caused the existing Township recycling ordinance to become outdated.

Recycling technical assistance was requested by the Township to review, update, and modernize the Township's current recycling ordinance to conform to existing recycling conditions. Topics addressed and expanded upon in the ordinance included requirements for commercial and multi-family property recycling and elimination of plastic bags.

2 SUMMARY OF WORK

This section summarizes the tasks and outcomes for this project.

Task 1 – Project Kick-Off Meeting and Information Request

Upon approval of the Township's scope of work by Pennsylvania Department of Environmental Protection (PADEP), SCS staff hosted a virtual project kick-off meeting to review the project tasks, schedule, and budget. The meeting was also used to review the Township's existing recycling and yard waste management program, including operations, education, and reporting. Upon conclusion of the meeting, SCS staff prepared an information request and distributed it to Township staff to receive important and relevant information to inform the updating of the recycling ordinance.

Task 2 – Review Current Recycling Ordinance

SCS obtained (Task 1) the Township's existing solid waste and recycling ordinance, including all amendments, and reviewed its content and provisions. The ordinance was reviewed with the following considerations in mind:

- Compliance with Act 101 recycling requirements;
- Conformance to Subchapter E, Municipal Recycling Programs, of Chapter 272 of the Pennsylvania Code of Regulations;
- Provisions/requirements of the Township's new 2024 collection contract;
- Specific focus areas/topics of interest to the Township;
- Useful provisions included in other local government recycling ordinances.

Task 3 – Update Existing Solid Waste and Recycling Ordinance

SCS provided guidance to the Township on the content to include in their revised solid waste and recycling ordinance. SCS addressed requirements for the residential (single-family and multi-family), commercial, and special event generating sectors as well as specific materials required for recycling by each sector. Updates conform to Act 101 recycling requirements. This task included development of a revised solid waste and recycling ordinance for the Township to consider.

Task 4 – Final Report

SCS developed this final report that provides the recommendations for recycling ordinance modifications and improvements as well as the proposed new solid waste and recycling ordinance.

3 CURRENT PROGRAM

Lower Allen Township (Township) is an Act 101 mandated recycling community. The U.S. Census Bureau estimated the Township's population to be about 21,000 in 2022¹. The Township has established a curbside program for the collection of trash, recycling, yard waste, and bulky waste that serves 6,200 households. The Township has a contract with a private hauler, Penn Waste, which provides curbside services. The Township is divided into five (5) collection zones with services provided five (5) days per week. A summary of the key solid waste services the Township provides to residents are as follows:

- **Trash** – Residents are issued one 96-gallon trash container for the placement of solid waste that is collected weekly. All trash must fit inside the container.
- **Recyclable Materials** – Penn Waste provides containers to each household in the Township for the curbside collection of recyclable materials. Recyclable materials are accepted single stream and include materials such as metal, plastic, and glass containers; cardboard; newspapers; and cartons.
- **Bulky Items** – Bulky items are collected curbside from residential properties weekly. Each household is allowed to place one bulky item curbside for collection weekly. Residents must contact the hauler in advance to schedule the bulky item collection. The Township also provides containers at the Public Works Building for residents to drop-off bulky items.
- **Yard Waste** – Residents receive curbside collection of yard waste weekly from March through October. Yard waste is collected on the same day as trash and recyclable materials. The Township provides one free bin for the placement of yard waste for curbside collection. Households requiring the use of two or more bins are charged \$13 per bin. There is no additional charge for the collection of more than one yard waste bin.

In addition to these curbside services, the Township has drop-off containers at the Public Works Building and in other locations around the Township for the placement of recyclable materials and bulky items.

Commercial, institutional, and municipal establishments in the Township are also required to recycle. The Township does not directly provide solid waste services to these types of properties. Each commercial, institutional, and municipal establishment in the Township is required to arrange for the collection of recyclable materials and yard waste from a private hauler operating in the Township.

Appendix A includes the recycling requirements of Act 101.

4 SOLID WASTE AND RECYCLING ORDINANCE

Lower Allen Township's solid waste and recycling ordinance was revised and updated with the following considerations in mind:

- Compliance with Act 101 recycling requirements;
- Conformance to Subchapter E, Municipal Recycling Programs, of Chapter 272 of the Pennsylvania Code of Regulations;

¹

<https://www.census.gov/quickfacts/fact/table/lowerallentownshipcumberlandcountypennsylvania/PST04522>

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- Provisions/requirements of the Township's new 2024 collection contract;
- Specific focus areas/topics of interest to the Township;
- Useful provisions included in other local government recycling ordinances.

The revised ordinance includes the following three sections:

- **Solid Waste Requirements** – Includes the requirements residents and businesses must follow for managing solid waste generated on their property.
- **Recycling Requirements** – Includes the requirements residents and businesses must follow for separating recyclable materials from solid waste and preparing the materials for collection.
- **Collection Requirements** – Includes the requirements for registration in the Township and the rules that haulers must comply with for the collection of solid waste and recyclable materials from residential, commercial, institutional, and municipal establishments.

SOLID WASTE REQUIREMENTS

The solid waste requirements section of the proposed ordinance provides residents, owners/occupants of commercial, institutional, and municipal establishments, and organizers/sponsors of community activities with the requirements for managing solid waste. Key requirements for solid waste management include the following:

- **Establishment of a Program** – Establishes a program for the mandatory collection of solid waste generated in the Township by all generating sectors.
- **Preparation and Placement of Solid Waste** - Details the requirements that owners/occupants of single- and multi-family residential properties, commercial, institutional, and municipal properties, and organizers/sponsors of community activities must adhere to for the preparation and placement of solid waste for collection. Specific requirements include containerization of waste, placement of containers for collection, timing of container placement, collection frequency, prohibition on mixing recyclable materials with solid waste, and bulky waste removal.
- **Special Waste Requirements** – Provides instructions for managing hazardous waste, infectious/diseased materials, and flammable/explosive materials. Additionally, guidance is provided on fee abatement for vacant properties.
- **Prohibited Acts** – Lists several activities prohibited in the Township for managing solid waste including burning, littering/illegal dumping, overfilling containers, storing/stockpiling materials, and creating a public nuisance.
- **Franchise** – Gives the Township the option of establishing a franchised collection system.
- **Fees** – Details how solid waste fees are set as well as payment frequency and options, including penalties for nonpayment.

- **Enforcement and Administration** – Specifies the governing authority over who can enforce the provisions of this ordinance and the process for changing the requirements.
- **Violation/Penalties** – Details the penalties that may be leveraged for violation of any provision of this ordinance.

RECYCLING REQUIREMENTS

The recycling requirements section of the proposed ordinance provides residents, owners/occupants of commercial, institutional, and municipal establishments, and organizers/sponsors of community activities with the requirements for managing recyclable materials. Key requirements for recycling include the following:

- **Establishment of a Program** – Establishes a program for the mandatory separation and collection of recyclable materials and leaf waste generated in the Township by all generating sectors.
- **Separation, Preparation and Placement of Recyclable Materials** - Details the requirements that owners/occupants of single- and multi-family residential properties, commercial, institutional, and municipal properties, and organizers/sponsors of community activities must adhere to for the separation, preparation and placement of recyclable materials for collection. Specific requirements include containerization in designated recycling containers, placement of containers for collection, timing of container placement, collection contracting and frequency, and prohibition on mixing recyclable materials with solid waste. Additional requirements established in this section include the following:
 - **Reporting** – Establishes quarterly reporting of recyclable material quantities to the Township for multi-family residential establishments.
 - **Exemptions** – Identifies conditions that must be met to be exempt from the requirements of the ordinance.
 - **Education** – Requires written instructions on recycling be provided to owners/occupants of multi-family residential, commercial, institutional, and municipal establishments.
 - **Materials** – Designates at a minimum the types of materials that must be separated for recycling.
 - **Leaf Waste** – Provides the requirements for separation and collection of leaf waste and properties in the Township.
- **Prohibited Acts** – Lists several activities prohibited in the Township for managing recyclable materials including unauthorized collection, burning, littering/illegal dumping, overfilling containers, storing/stockpiling materials, and creating a public nuisance.
- **Impairment of Ownership** – Statement that the established recycling requirements do not impair the ownership of recyclable materials by the persons who generated them.

- **Franchise** – Gives the Township the option of establishing a franchised collection system.
- **Enforcement and Administration** – Specifies the governing authority over who can enforce the provisions of this ordinance and the process for changing the requirements.
- **Violation/Penalties** – Details the penalties that may be leveraged for violation of any provision of this ordinance.

REQUIREMENTS FOR COLLECTION

This section of the proposed Lower Allen Township solid waste/recycling ordinance is intended to provide the requirements for haulers or other persons engaged in the business of collecting solid waste and/or recyclable materials from residential, commercial, institutional, and municipal establishments and from community activities. This section contains the following provisions:

- **Hauler Registration Required** – Transitions the established Township hauler licensing program to a registration program for authorization by the Township Manager to collect solid waste, recyclable materials and/or leaf waste in the Township.
- **Hauler Registration and Approval Requirements** – Establishes an annual application program that each hauler wishing to collect solid waste, recyclable materials, and/or leaf waste in the Township must submit. The application process includes providing information to the Township on the persons, operations, equipment, disposal/recovery facilities, insurance, rates, and material quantities collected for the previous year.
- **Conditions of Registration Approval** – Details the requirements each hauler must meet to have their registration application approved that authorizes the collection and transportation of solid waste, recyclable materials, and/or leaf waste in the Township. These requirements include providing separate solid waste and recycling collection services, establishing material preparation procedures, issuing notices of violations, displaying current collection authorization, and maintaining functioning and safe collection vehicles.
- **Refusal to Grant Registration Approval; Suspension; Revocation** – Provides the reasons why a person's registration application may be rejected or suspended and establishes a timeframe for the person to submit additional information to satisfy the requirements of the registration program.
- **Prohibited Acts** – Lists several activities prohibited in the Township for collecting solid waste, recyclable materials, and/or leaf waste. Some prohibited acts include comingling or mixing separated recyclables with solid waste, failing to recycle separated recyclable materials or leaf waste, collect material outside established hours, contribute to litter, and create a public nuisance.
- **Rules for Collection** – Requires compliance with the ordinance and establishes the authority for amending, modifying, or repealing the requirements.
- **Franchise** – Gives the Township the option of establishing a franchised collection system.

- **Enforcement and Administration** – Specifies the governing authority over who can enforce the provisions of this ordinance and the process for changing the requirements.
- **Violations and Penalties** – Details the penalties that may be leveraged for violation of any provision of this ordinance.

5 CONCLUSION

A clear and detailed solid waste and recycling ordinance is an important tool to ensure solid waste is managed in a way that protects public health and the environment and facilitate meeting the State of Pennsylvania’s recycling requirements. In January 2024, Lower Allen Township executed a new contract for the collection of recyclable materials generated in the Township. The new contract, coupled with changing recyclable material collection practices caused the existing Township recycling ordinance to become outdated. Recycling technical assistance was requested by the Township to review, update, and modernize the Township’s current recycling ordinance to conform to existing recycling conditions.

The revised recycling ordinance provided as part of this report (Appendix B) contains updated language to reflect the Township’s current recycling program, Act 101 municipal recycling requirements, and a modified Township hauler registration program. The requirements established in the revised ordinance are organized to facilitate understanding by residents, owners/occupants of commercial, institutional, and municipal establishments, and persons collecting and transporting solid waste and recyclable materials within the Township. Prior to adoption of the revised ordinance by the Township Board of Commissioners, it is important for the Township Solicitor to review the requirements provided.

Appendix A
Act 101 Municipal Recycling Requirements

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

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. 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 leave 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.
- **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 the following conditions are met:

- 1) The municipality is not collecting and transporting municipal waste from such establishments or activities;
- 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 following the provisions of the ordinance.

Act 140

Requirements for Section 904 Recycling Performance Grants

Overview

Act 101 was amended in 2006 by Act 140 to establish 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 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.

Appendix B
Revised Solid Waste and Recycling Ordinance

Township of Lower Allen, PA
Solid Waste Management Requirements
DRAFT

Chapter 180. Solid Waste

Solid Waste Requirements

Definitions

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

ALUMINUM - The lightweight ductile and malleable metallic substance or element commonly known as “aluminum,” and shall include all aluminum food and beverage cans. It shall exclude aluminum foil.

AUTHORIZED HAULER - Person registered and authorized by the Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Lower Allen Township.

BULKY WASTE – Materials that will not fit inside a container including furniture and items containing Freon such as appliances; excludes tires or other hazardous items.

CHRISTMAS TREES - Any of several varieties of coniferous trees on which the trunk has been removed from the roots, or wreaths made from the branches of such trees.

COMMERCIAL ESTABLISHMENT - Those properties used primarily for commercial purposes including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

COMMUNITY ACTIVITIES - Events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics, and organized sporting events attended by 200 or more individuals per day.

DWELLING - A building used for residential purposes, except hotels, apartments with more than six four dwelling units, tourist cabins, motels and trailers in trailer parks.

DWELLING UNIT - A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GLASS - All empty bottles and jars made of clear, green or brown glass, except non-container glass, plate glass, blue glass, porcelain and ceramic products.

GRASS CLIPPINGS – Cut pieces of grass after lawn maintenance and mowing. Grass clippings can be mulched as part of a lawn care program.

HAZARDOUS WASTE – Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or other appropriate agency to be “hazardous,” as the term is defined by or pursuant to federal or state law.

HIGH-GRADE OFFICE PAPER - Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationery, note paper, computer paper, envelopes, and other general purpose paper, including shredded paper.

INSTITUTIONAL ESTABLISHMENTS - Those facilities that house or serve groups of people, such as hospitals, schools and nursing homes.

LEAF WASTE - Leaves, garden residue, trimmings, prunings and branches of four inches or less from plants, shrubs and trees. Excludes grass clippings, dirt, and sod

MULTI-FAMILY RESIDENTIAL ESTABLISHMENT - A building or buildings under single or multiple ownership and designed as a residence for six or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

MUNICIPAL ESTABLISHMENTS - Any public facility operated by Township or other governmental or quasi-governmental authorities.

OVERSIZED YARD WASTE - Large items of yard waste, including but not limited to tree stumps and branches exceeding four inches in diameter.

PERSON - Any individual, partnership, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential establishment, commercial establishment or institutional establishment. In any provision of this article prescribing a fine, imprisonment or penalty or any combination thereof, a person shall include the officers and directors of any corporation or other legal entity having officers and directors.

PUBLIC NUISANCE - Any premises which is capable of being conducive to a fire, health or safety hazard due to, but not limited to, accumulations of any flammable materials, refuse, recyclables, hazardous waste, or any premises which contains unauthorized accumulations of refuse and/or recyclables.

RECYCLABLE MATERIAL - Those materials specified by the Township to be recycled, which include the following materials: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and leaf waste.

RECYCLE - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal wastes (other than through combustion) and creation and recovery of reusable materials other than fuel for the operation of energy.

RESIDENTIAL ESTABLISHMENT - A property used for residential purposes including single-family and multi-family properties with five or fewer dwelling units.

SMALL BUSINESS - A business establishment that produces five or fewer forty-gallon containers of garbage, ashes and refuse, including recyclables, per week

SOLID WASTE - Garbage, trash, ashes, refuse, and other discarded solid materials.

STEEL AND BIMETAL CONTAINERS - Food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

TOWNSHIP - Lower Allen Township, Cumberland County, Pennsylvania.

TOWNSHIP COLLECTION SERVICE - A service for the collection of leaf waste, yard waste and Christmas trees, which is provided by the Township or the Township collector.

TOWNSHIP COLLECTOR - A person or firm designated by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste and recyclable materials within the Township of Lower Allen but shall not be construed as meaning that such person is an employee, official or representative of the Township.

Establishment of program

There is hereby established a program for the mandatory collection of solid waste within Lower Allen Township, Cumberland County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of solid waste in Lower Allen Township except in accordance with this article.

Preparation, placement, and collection of solid waste

Residential establishments

- 1) Solid waste shall be placed in solid waste containers and the containers placed curbside or in another designated location for collection by the Township Collector.
- 2) Collection of solid waste shall be arranged by the Township with the Township Collector at a collection frequency no less than weekly.
- 3) Requirements for collection.
 - a. All solid waste must be placed in a designated solid waste cart. Solid Waste carts may be provided by the Township or Township Collector.
 - b. It shall be unlawful to permit the accumulation of or residue of liquids, solids or a combination of such material on the bottom or sides of carts, it being the intention of this provision that the interior of carts shall be kept clean by thorough rinsing and draining as often as necessary.
 - c. No persons shall place recyclable materials in carts used for the collection of solid waste and no solid waste shall be placed in recycling containers.

- d. Carts shall be placed at the curbside, or another location as designated by the Township or Township Collector for collection. Under no circumstances shall carts be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
- e. No carts shall be placed curbside or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection. Solid waste carts must be returned from curbside by 7:00 P.M. on collection day.
- f. Solid waste containers placed for collection must be at least four feet from any object or obstruction including solid waste containers, mailboxes, parked vehicles, etc.
- g. The Township or Township Collector will collect one bulky waste item per scheduled collection day. Collection of bulky waste must be scheduled at least 24-hours prior to the scheduled collection day with the Township or Township Collector.

Multi-family residential establishments

- 1) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a system for the collection, transportation, and disposal of solid waste generated at each building.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized hauler for the collection of solid waste.
- 3) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Solid waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the authorized hauler but shall occur no less than once a week. A more frequent collection of solid waste may be necessary to prevent containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.

Commercial, institutional, and municipal establishments

- 1) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must establish a system for the collection, transportation, and disposal of solid waste generated at the property.
- 2) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must contract with an authorized hauler for the collection of solid waste.
- 3) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.

- 4) Solid waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized hauler, but shall occur no less than once a week. More frequent collection of solid waste may be necessary to prevent containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.

Community activities

- 1) Organizers or sponsors of community activities must establish a system for the collection, transportation, and disposal of solid waste.
- 2) Organizers or sponsors of community activities must establish a collection system that includes an appropriate number of containers at easily accessible locations to accommodate the amount of solid waste generated.
- 3) Organizers or sponsors must contract an Authorized Collector for the collection of solid waste.

Special waste requirements

- 1) Hazardous waste shall not be placed in containers or carts designated for solid waste but shall be handled and disposed of by the person generating the waste in an alternate and safe manner in accordance with all applicable federal, state and local statutes, ordinances, rules and regulations. Disposal will be at the expense of the owner or possessor thereof.
- 2) Removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Township Manager. Such material shall not be placed in carts for solid waste collection. Disposal will be at the expense of the owner or possessor thereof.
- 3) Highly flammable or explosive material shall not be placed in carts for solid waste collection but shall be disposed of as directed by the Township Manager at the expense of the owner or possessor thereof.
- 4) No abatement of fees for collection shall be allowed for the vacancy of a dwelling unit except where such vacancy has been continued for a period of not less than 90 days and where notice has been given by the owner of such dwelling unit to the Township Manager that such dwelling unit has been vacated.

Prohibited acts

- 1) Burning of solid waste - The burning of solid waste shall be prohibited at all times in the Township.

- 2) Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit solid waste or any other refuse on any private or public property or grounds in the Township.
- 3) Overfilling containers – Containers of solid waste or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
- 4) Load or operate any vehicle within the Township or transport solid waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow solid waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township
- 5) Storing/stockpiling materials – All persons in the Township are prohibited from storing, processing, or disposing of solid waste on a property except at a facility or in preparation for the collection by the Township, Township Collector, or Authorized Hauler as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
- 6) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Supervisors pursuant to this article.
- 7) No person shall collect or remove solid waste from any place before 7:00 a.m. or after 7:00 p.m., prevailing times; provided, however, this shall not prevent the collection of solid waste on an emergency basis during other hours subject to the prior approval of the Township Manager.

Franchise

The Township may enter into an agreement or agreements with a private person or persons or public agency or agencies for collection of all or part of solid waste.

Fees

- 1) Dwellings and dwelling units. The fees for collection and disposal of refuse under this article from dwellings, dwelling units and small businesses may be assessed by resolution passed by the Board of Commissioners on an annual basis per dwelling unit per quarter. The owner of the dwelling unit shall pay the fees provided therein in advance. The Township may designate an agent, including any bank or trust company, to act on its behalf in the collection and accounting matters involved. Billing will be done not later than the first day of the first month of each calendar quarter. Fees shall be subject to a penalty of 10% per dwelling unit per quarter if not paid by the 30th day of the first calendar month of the quarter. All accounts shall be considered delinquent if not paid by the 30th day of the first calendar month of the quarter, and all delinquent accounts are subject to stoppage of service without notice. Upon stoppage, service will be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of noncollection, plus the 10% penalty as aforesaid

and interest. The stoppage of service herein provided for shall be in addition to the right of the Township to proceed for the collection of such unpaid charges by action in assumpsit, by municipal lien or, at the election of the Township, in any other manner provided by law for the collection of a municipal claim.

- 2) Nondwellings and nondwelling units. Fees for collection from other than dwellings and dwelling units shall be fixed by mutual agreement of the parties and shall be paid directly to the person making such collection.

Enforcement and administration.

The Township Manager or their designee is authorized and directed to enforce this article. The Township Manager shall have authority to make rules and regulations relating to the administration of the provisions of this article, in addition to any other powers herein conferred upon them, provided that such rules and regulations are not contrary to the provisions of this article. An aggrieved person shall have the right to appeal against any rule or regulation made by the Township Manager to the Board of Commissioners that may confirm, modify or revoke any such rule or regulations.

Violations and penalties

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings, Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Cumberland County.

Township of Lower Allen, PA
Solid Waste Management Requirements
DRAFT

Chapter 180. Solid Waste

Requirements for Recycling and Leaf Waste

Definitions

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

ALUMINUM - The lightweight ductile and malleable metallic substance or element commonly known as “aluminum,” and shall include all aluminum food and beverage cans. It shall exclude aluminum foil.

AUTHORIZED HAULER - Person registered and authorized by the Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Lower Allen Township.

CHRISTMAS TREES - Any of several varieties of coniferous trees on which the trunk has been removed from the roots, or wreaths made from the branches of such trees.

COMMERCIAL ESTABLISHMENT - Those properties used primarily for commercial purposes including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

COMMUNITY ACTIVITIES - Events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics, and organized sporting events attended by 200 or more individuals per day.

DWELLING - A building used for residential purposes, except hotels, apartments with more than six dwelling units, tourist cabins, motels and trailers in trailer parks.

DWELLING UNIT - A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GLASS - All empty bottles and jars made of clear, green or brown glass, except non-container glass, plate glass, blue glass, porcelain and ceramic products.

GRASS CLIPPINGS – Cut pieces of grass after lawn maintenance and mowing. Grass clippings can be mulched as part of a lawn care program.

HIGH-GRADE OFFICE PAPER - Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationary, note paper, computer paper, envelopes, and other general-purpose paper, including shredded paper.

INSTITUTIONAL ESTABLISHMENTS - Those facilities that house or serve groups of people, such as hospitals, schools and nursing homes.

LEAF WASTE - Leaves, garden residue, trimmings, prunings and branches of four inches or less from plants, shrubs and trees. Excludes grass clippings, dirt, and sod

MULTI-FAMILY RESIDENTIAL ESTABLISHMENT - A building or buildings under single or multiple ownership and designed as a residence for six or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

MUNICIPAL ESTABLISHMENTS - Any public facility operated by Township or other governmental or quasi-governmental authorities.

NEWSPRINT - Paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts included with newspapers.

PERSON - Any individual, partnership, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential establishment, commercial establishment or institutional establishment. In any provision of this article prescribing a fine, imprisonment or penalty or any combination thereof, a person shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTICS - A class of synthetic organic compounds capable of being bolded, extruded, cast or otherwise fabricated into various shapes. It shall include all rigid plastic containers of resins #1 through #7.

PUBLIC NUISANCE - Any premises which is capable of being conducive to a fire, health or safety hazard due to, but not limited to, accumulations of any flammable materials, refuse, recyclables, hazardous waste, or any premises which contains unauthorized accumulations of refuse and/or recyclables.

RECYCLABLE MATERIAL - Those materials specified by the Township to be recycled, which include the following: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and leaf waste.

RECYCLE - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal wastes (other than through combustion) and creation and recovery of reusable materials other than fuel for the operation of energy.

RESIDENTIAL ESTABLISHMENT - A property used for residential purposes including single-family and multi-family properties with five or fewer dwelling units.

SOLID WASTE - Garbage, trash, ashes, refuse, and other discarded solid materials.

STEEL AND BIMETAL CONTAINERS - Food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

TOWNSHIP - Lower Allen Township, Cumberland County, Pennsylvania.

TOWNSHIP COLLECTOR - A person or firm designated by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste and recyclable materials within the Township of Lower Allen but shall not be construed as meaning that such person is an employee, official or representative of the Township.

Establishment of program

There is hereby established in the township a mandatory source-separation and collection program for recyclable materials and leaf waste from solid waste by persons in a residential establishment, multi-family establishment, commercial establishment, and institutional establishment in the Township and at community events.

Separation, preparation, placement, and collection of recyclable materials

Residential establishments

- 1) Except as otherwise provided herein, all persons owning or occupying residential establishments shall separate recyclable materials generated in their single-family residential establishment from solid waste. Recyclable materials shall be placed in recycling containers and the recycling containers placed curbside or in another designated location for collection by the township collector.
- 2) Separate collection of recyclable materials shall be arranged by the township with the township collector at a collection frequency no less than two times per month.
- 3) Requirements for collection.
 - a. All recyclable materials must be placed in a recycling container separate from municipal waste. Recycling containers may be provided by the township or township collector.
 - b. No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in recycling containers.
 - c. Containers shall be placed at the curbside, or another location as designated by the township collector for collection. Under no circumstances shall containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
 - d. No container shall be placed at the curb or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection. Recycling containers must be returned from curbside by 7:00 P.M. on collection day.

- e. Recycling containers placed for collection must be at least four feet from any object or obstruction including solid waste containers, mailboxes, parked vehicles, etc.
 - f. Recyclable materials must be clean and dry and prepared according to the requirements of the township or township collector.
 - g. Recycling containers shall be kept in a sanitary and working condition. Any container deemed unsanitary or unsafe or hampers the prompt collection of recyclable materials or leaf waste must be immediately replaced upon notice from the Township, Township Collector, and Authorized Hauler.
- 4) The Township must implement and maintain a comprehensive education program that includes written instructions for the residents or occupants of residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. Education must occur 30 days prior to the start of the recycling program and must be completed at least every six (6) months.

Multi-family residential establishments

- 1) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a system for source-separation, collection, transportation, and recycling of the recyclable materials generated at multi-family residential establishments. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each multi-family residential establishment. The Township reserves the right to require additional recycling containers for recyclable materials if the Township deems there are insufficient recycling containers to serve residents.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must implement and maintain a comprehensive education program that includes written instructions for the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. Education must occur 30 days prior to the start of the recycling program and must be completed at least every six (6) months.
- 3) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized hauler for the separate collection of recyclable materials.
- 4) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.
- 5) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the authorized hauler but shall occur no less than once a week. A more frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 6) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on

a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.

- 7) Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of residents.
- 8) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments may be exempt from the requirements of this article if the following are true:
 - a. The person(s) has otherwise provided for the recycling of materials as required in this article and ordinance.
 - b. The person(s) provides annual written documentation to the Township of the amount of solid waste generated and the type and weight of materials that were recycled in the previous calendar year.

Commercial, institutional, and municipal establishments

1. Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must establish a system for source-separation, collection, transportation, and recycling of recyclable materials generated at each building. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. The Township reserves the right to require additional recycling containers for recyclable materials if the Township deems there are insufficient containers to serve occupants or tenants.
2. Owners, landlords, or agents of owners or landlords of commercial, institutional and municipal establishments must implement and maintain a comprehensive education program that includes written instructions for the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. Education must occur 30 days prior to the start of the recycling program and must be completed at least every six (6) months.
3. At a minimum, the following materials must be separated from solid waste, collected separately, and recycled: high-grade office paper, aluminum, corrugated paper, and leaf waste.
4. Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must contract with an authorized hauler for the separate collection of recyclable materials.
5. No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.
6. Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized hauler, but shall occur no less than once a week. A more frequent collection of

recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.

7. The owner, landlord, or agent of an owner or landlord of a commercial, institutional, and/or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.
8. Municipal establishments shall give preference to purchasing supplies/products with a minimum of 30 percent post-consumer recyclable content. Purchases of materials for municipal use shall not contain polystyrene unless no comparable alternative is available.
9. Commercial and institutional establishments are encouraged to procure products/supplies in packaging that can be recycled in the Township's recycling program. The Township discourages the use of single-use plastics for packaging when a comparable alternative is available.
10. The owner, landlord, or agent of an owner or landlord of commercial, institutional, and municipal establishments may be exempt from the requirements of this article if the following are true:
 - a. The person(s) has otherwise provided for the recycling of materials as required in this article and ordinance.
 - b. The person(s) provides annual written documentation to the Township of the amount of solid waste generated and the type and weight of materials that were recycled in the previous calendar year.

Community activities

- 4) The organizers or sponsors of a community activity must establish a system for source-separation, collection, transportation, and recycling of recyclable materials.
- 5) At a minimum, the following materials must be separated, collected separately, and recycled: high-grade office paper, aluminum, corrugated paper, and leaf waste. Arrangements for the source-separation and collection of these materials shall be the responsibility of the organizers or sponsors.
- 6) The organizers or sponsors of a community activity must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the quantity of recyclable materials generated. Community activity organizers and sponsors must provide signage and/or labels on recycling containers to indicate what recyclable materials are to be source-separated by event participants.
- 7) Organizers or sponsors must contract an authorized hauler for the collection of recyclable materials.

- 8) Organizers or sponsors should encourage all vendors to distribute recyclable containers and/or packaging for food and beverages. Single use plastics should be discouraged by vendors whenever possible.
- 9) Organizers or sponsors of a community activity must provide a written report to the Township that lists the name of the community activity, authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted to the Township no later than 30 days upon the conclusion of the event.

Leaf waste

- 1) It is prohibited and will be deemed a violation hereof for any person in the Township to put or cause to put leaf waste with solid waste. Leaf waste shall be source-separated from solid waste generated on any property and stored in recycling containers until collection.
- 2) Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
- 3) All persons in residential establishments in the Township shall participate in the curbside leaf waste collection program provided by the Township Collector or transport their leaf waste to the Township's compost site.
- 4) Owners, landlords, or agents of owners or landlords of multi-family residential, commercial, municipal, and institutional establishments must establish a system for source-separation, collection, transportation, and recycling of leaf waste generated at each property. The system must include an appropriate number of labeled containers at easily accessible locations to accommodate the amount of leaf waste generated at each property.
- 5) The owner, landlord, or agent of an owner or landlord of a multi-family residential, commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting leaf waste, the total quantity of leaf waste collected, the name of the facility authorized by the State to receive collected leaf waste, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 60 days after the close of each calendar year.
- 6) Leaf waste must be prepared according to the specifications of the Township, Township Collector, or Authorized Hauler for curbside collection or drop-off at the compost site. Materials must be free of contamination. No container of leaf waste may exceed 45 pounds.
- 7) Christmas trees may be placed curbside or brought to the compost site at designated times by the Township and must be free of all contaminants. Christmas trees must not be placed in plastic bags.
- 8) Leaves may be piled adjacent to streets and roads for curbside collection by the Township or Township Collector at designated times by the Township; leaves must not be bagged. Leaves may also be transported to the Township compost site for processing.

- 9) Grass clippings and sod are not considered leaf waste and must not be comingled with leaf waste. Grass clippings may be mulched as part of a lawn care program.
- 10) Leaf waste must be disposed at a State permitted compost facility, Disposal of leaf waste at a landfill or other disposal facility or dumped on public or private lands is prohibited.

Prohibited acts

- 1) Collection by unauthorized persons - From the time of recyclable material placement at the curb or other designated location, it shall be a violation of this article for any person unauthorized by the Township, Township Collector, or Authorized Hauler to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
- 2) Burning of recyclable materials and leaf waste - The burning of recyclable materials and leaf waste shall be prohibited at all times in the Township.
- 3) Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit recyclable materials, leaf waste, solid waste, or any other refuse on any private or public property or grounds in the Township.
- 4) Overfilling containers – Containers of recyclable materials, leaf waste, solid waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
- 5) Load or operate any vehicle within the Township or transport solid waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow solid waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 6) Storing/stockpiling materials – All persons in the Township are prohibited from storing, processing, or disposing of recyclable material on a property except at a facility or in preparation for the collection by the Township, Township Collector, or Authorized Hauler as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
- 7) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Supervisors pursuant to this article.
- 8) No person shall dump, bring, deposit, or otherwise dispose of recyclable materials or leaf waste of any kind or nature within the jurisdictional limits of the Township, except as provided in conformance herein.

Impairment of Ownership

Nothing herein shall be deemed to impair the ownership of recyclable materials by the persons who generated them unless and until such materials are placed at the curb or similar location for collection by the Township, Township Collector, and/or Authorized Collector.

Franchise

The Township may enter into an agreement or agreements with a private person or persons or public agency or agencies for collection of all or part of recyclable materials and leaf waste.

Enforcement and administration

The Township Manager or their designee is authorized and directed to enforce this article. The Township Manager shall have authority to make rules and regulations relating to the administration of the provisions of this article, in addition to any other powers herein conferred upon them, provided that such rules and regulations are not contrary to the provisions of this article. An aggrieved person shall have the right to appeal against any rule or regulation made by the Township Manager to the Board of Commissioners that may confirm, modify or revoke any such rule or regulations.

Violations and penalties

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings, Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Cumberland County.

Township of Lower Allen, PA
Solid Waste Management Requirements
DRAFT

Chapter 180. Solid Waste

Requirements for collection

Definitions

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

ACT 101 – The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

ALUMINUM - The lightweight ductile and malleable metallic substance or element commonly known as “aluminum,” and shall include all aluminum food and beverage cans. It shall exclude aluminum foil.

AUTHORIZED HAULER - Person registered and authorized by the Township to collect, remove, transport, and dispose of solid waste, recyclable materials, and/or leaf waste for owners or occupants of multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Lower Allen Township.

CHRISTMAS TREES - Any of several varieties of coniferous trees on which the trunk has been removed from the roots, or wreaths made from the branches of such trees.

COMMERCIAL ESTABLISHMENT - Those properties used primarily for commercial purposes including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

COMMUNITY ACTIVITIES - Events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics, and organized sporting events attended by 200 or more individuals per day.

DWELLING - A building used for residential purposes, except hotels, apartments with more than six dwelling units, tourist cabins, motels and trailers in trailer parks.

DWELLING UNIT - A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GLASS - All empty bottles and jars made of clear, green or brown glass, except non-container glass, plate glass, blue glass, porcelain and ceramic products.

GRASS CLIPPINGS – Cut pieces of grass after lawn maintenance and mowing. Grass clippings can be mulched as part of a lawn care program.

HIGH-GRADE OFFICE PAPER - Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationery, note paper, computer paper, envelopes, and other general-purpose paper, including shredded paper.

INSTITUTIONAL ESTABLISHMENTS - Those facilities that house or serve groups of people, such as hospitals, schools and nursing homes.

LEAF WASTE - Leaves, garden residue, trimmings, prunings and branches of four inches or less from plants, shrubs and trees. Excludes grass clippings, dirt, and sod

MULTI-FAMILY RESIDENTIAL ESTABLISHMENT - A building or buildings under single or multiple ownership and designed as a residence for six or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

MUNICIPAL ESTABLISHMENTS - Any public facility operated by Township or other governmental or quasi-governmental authorities.

NEWSPRINT - Paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts included with newspapers.

PERSON - Any individual, partnership, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential establishment, commercial establishment or institutional establishment. In any provision of this article prescribing a fine, imprisonment or penalty or any combination thereof, a person shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTICS - A class of synthetic organic compounds capable of being molded, extruded, cast or otherwise fabricated into various shapes. It shall include high-density polyethylene (HDPE) and polyethylene terephthalate (PET). It shall exclude low-density polyethylene (LDPE), polypropylene (PP) and polyvinyl chloride (PVC).

PUBLIC NUISANCE - Any premises which is capable of being conducive to a fire, health or safety hazard due to, but not limited to, accumulations of any flammable materials, refuse, recyclables, hazardous waste, or any premises which contains unauthorized accumulations of refuse and/or recyclables.

RECYCLABLE MATERIAL - Those materials specified by the Township to be recycled, which include the following: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and leaf waste.

RECYCLE - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal wastes (other than through combustion) and creation and recovery of reusable materials other than fuel for the operation of energy.

RESIDENTIAL ESTABLISHMENT - A property used for residential purposes including single-family and multi-family properties with five or fewer dwelling units.

SOLID WASTE - Garbage, trash, ashes, refuse, and other discarded solid materials.

STEEL AND BIMETAL CONTAINERS - Food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

TOWNSHIP - Lower Allen Township, Cumberland County, Pennsylvania.

TOWNSHIP COLLECTOR - A person or firm designated by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste, recyclable materials, and/or leaf waste within the Township of Lower Allen, but shall not be construed as meaning that such person is an employee, official or representative of the Township.

Hauler registration required

It shall be unlawful for any person to collect, remove and/or transport solid waste, recyclable materials, and/or leaf waste within Lower Allen Township without first registering with the Lower Allen Township Manager. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Township and transport leaf waste generated from their services off the property where the materials were generated. Exceptions are made for residents who directly deliver (self-haul) their solid waste, recyclable materials and/or leaf waste to a disposal and/or management facility.

Hauler registration and approval requirements

All persons wishing to collect, remove, and/or transport solid waste, recyclable materials, and/or leaf waste within the Township must annually register and receive authorization from the Township Manager to provide collection, removal, and transportation services to residential, multi-family residential, commercial, institutional, and municipal establishments. Authorized haulers may collect, remove or transport solid waste, recyclable materials, and/or leaf waste within the Township from the date of authorization until December 31 of the same calendar year, only so long as the authorized hauler is in full compliance with the requirements of this article, and any regulations enacted pursuant thereto. Authorized haulers must renew their registration with the Township no later than January 31 of each year in order to continue collecting, removing, and/or transporting solid waste, recyclable materials, and/or leaf waste in the Township for the subsequent year. Any person whose registration is received and approved by the Township Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of Lower Allen Township. Hauler authorizations are not transferable.

At the time of registration, the person shall provide the following information on a form prepared by the Township. Upon receipt and review of the following information, the Township will issue an authorization letter to persons who have satisfied all the requirements of the Township's registration program.

- 1) The business name of the person, name of a contact person, business address, telephone number, email address, and twenty-four-hour emergency telephone number to receive calls from persons in the Township who will be serviced by the person.
- 2) The make, model, year, and registration number of each truck or vehicle used by the person in the Township to collect, remove, and/or transport solid waste, recyclable materials, and/or leaf waste.

- 3) A certificate of the person's workmen's compensation insurance, as required by law.
- 4) A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and person's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Township by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to Lower Allen Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to the Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
- 5) Persons shall provide the Township with its current rate schedule, its intended areas of operation in the Township, by street, the terms of service, and the scheduled days of collection in different areas of the Township.
- 6) The name of the disposal facility where solid waste will be taken for disposal.
- 7) The processing and/or marketing facility(ies) where the recyclable materials will be taken.
- 8) The state-permitted composting site where leaf waste will be taken.
- 9) Annual reports containing the quantities of solid waste, recyclable materials, and leaf waste collected from residential, multi-family, commercial, municipal, and institutional establishments in the Township if the person collected solid waste, recyclable materials, and leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type. Reports must be submitted to the Township by January 31st of each year.
- 10) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.

Conditions of registration approval

As a condition to the approval of an authorized hauler's registration, the authorized hauler shall comply with the following:

- 1) Services Required - Provide separate collection, removal, and transportation services for solid waste, recyclable materials, and leaf waste from persons in the Township with whom the authorized hauler provides services.
- 2) Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection, removal, and transportation of solid waste, recyclable material, and/or leaf waste shall be of the closed metal-body-type. The equipment and vehicles shall be at all times in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquids or fluids.

- 3) Establish Preparation Procedures. Authorized haulers must establish procedures for the separation, storage, and collection of solid waste, recyclable materials, and leaf waste. The Township and persons serviced must be given adequate notification of these instructions.
- 4) Notification of Violations. Authorized haulers shall notify persons they service if violations to any article of the Lower Allen Township solid waste ordinance are observed. Notifications shall be on a form provided by the Township. Authorized haulers shall provide the Township with a list of the addresses or names of customers receiving a notification at the end of each collection day.
- 5) Authorization to provide services. At all times while in the process of collecting, removing, and/or transporting solid waste, recyclable materials, and/or leaf waste in the Township, a copy of the current, unexpired authorized hauler's registration and approval issued by the Township shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Township Code Enforcement Officer or his/her designee or to any police officer of the Township.

Refusal to grant registration approval; suspension; revocation

- 1) The Township Manager shall have the right to refuse to approve or authorize a registration to any authorized hauler or person or to revoke or suspend previously approved registration or refuse to renew the same if said person or authorized hauler submits incomplete or false information to the Township or fails to comply with the Township's hauler registration requirements, any provision of this ordinance or any regulation adopted hereunder, Act 101, or any other applicable federal, state, or local regulations.
- 2) Refusal to grant registration authorization or suspension or revocation of an authorized hauler's registration shall be made in writing by the Township Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration and provide a limited opportunity for the hauler to satisfy the requirements or issues identified.

Prohibited acts

It shall be unlawful and a violation of this article for any authorized hauler or township collector to:

- 1) Collect or transport solid waste from persons failing to source-separate recyclable materials and leaf waste from solid waste.
- 2) Commingle or mix source-separated recyclable materials or leaf waste collected in the Township with solid waste.
- 3) Fail to provide for the proper disposal of any solid waste collected or transported within the Township at a disposal facility in accordance with any federal, state, county, or local requirement.
- 4) Fail to recycle recyclable materials and leaf waste in accordance with this article and other Township ordinances and federal and state laws and regulations.

- 5) Commence the collection of solid waste, recyclable materials, and leaf waste for any property in the Township prior to 7:00 a.m. or after 7:00 p.m.
- 6) Load or operate any vehicle within the Township or transport solid waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow solid waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 7) Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.
- 8) Otherwise create a public nuisance.

Rules for collection

The collection of solid waste, recyclable materials, and/or leaf waste by authorized haulers and township collectors shall be made in compliance with this ordinance or any other regulations adopted by the Board of Commissioners to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Commissioners and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Commissioners.

Franchise

The Township or its designated agent may enter into one or more agreements at any time with a Township Collector for the collection of solid waste, recyclable materials, and/or leaf waste from residential, multi-family residential, commercial, institutional, and/or municipal establishments. Procuring collection services by a Township Collector shall be completed using a public bid process that will permit the Township Collector(s) to exclusively collect all or part of the solid waste, recyclable materials, and/or leaf waste generated in the Township.

Enforcement and administration.

The Township Manager or their designee is authorized and directed to enforce this article. The Township Manager shall have authority to make rules and regulations relating to the administration of the provisions of this article, in addition to any other powers herein conferred upon them, provided that such rules and regulations are not contrary to the provisions of this article. An aggrieved person shall have the right of appeal against any rule or regulation made by the Township Manager to the Board of Commissioners that may confirm, modify or revoke any such rule or regulations.

Violations and penalties

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys'

fees incurred by the Township in the enforcement proceedings, Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Cumberland County.