

CHESTNUTHILL TOWNSHIP
ACT 101 RECYCLING PROGRAM FOR A
GROWING COMMUNITY

PREPARED BY
ALTERNATIVE RESOURCES, INC.
706 MONROE STREET
STROUDSBURG, PA 18360

TABLE OF CONTENT

1.0	Background	3
2.0	Assessment of Options	5
2.1	Recycling Drop-Off Facility	5
2.2	Curbside Collection	6
3.0	Cost Comparison of Options	12
3.1	Cost of Collection	13
4.0	Leaf Waste Collection	14
5.0	Conclusions and Recommendation	15

APPENDIX

Attachment A	Draft Ordinance
Attachment B	Public Information/Education

1.0 Background

As of the 2,000 censuses, Chestnuthill Township's population has increased to excess of 10,000. Chestnuthill Township is now a mandated community under Act 101.

Chestnuthill is one of the most rapid growing communities in the State, its current population is approximately 15,000 persons this is nearly double its 1990 population of approximately 8,700. The Township is still experiencing rapid growth. Chestnuthill Township has requested assistance in modifying its current recycling program (which includes a municipal waste transfer station and recycling drop-off facility) to meet the mandates of Act 101 for curbside recycling. The Township waste transfer is based on a permit system. Annually, permit stickers are sold by the Township to its residents for \$15.00. The permit entitles the resident to use the waste transfer facility on a pay as you throw basis (i.e.: per bag basis). Plastic bags for municipal waste are sold to the permittee at \$1.50 per 30-gallon bag. Residents are charged \$2.00 per bag if they use their own disposal bags.

Recyclables are free of charge. The residents source separate their recyclables in designated containers at the recycling facility. Clear glass, brown glass, and green glass are placed in separate collection bins as are aluminum and bi-metal cans, plastic containers (HDPE & PET), bundled newspapers and corrugated cardboard. Some of the recyclable materials are processed at the transfer/recycling facility to meet market specifications. Chestnuthill Township's current program has been in place for more than a decade. Nearly forty percent of the Township residents purchase waste disposal

permits annually. The transfer station and recycling drop-off facilities are contract operations; Waste Management Inc. (WMI) currently is the operator. WMI's extended contract will expire in March 2003.

The program is very popular and the Township is desirous of maintaining it. The Township has put a great deal of time, effort and money into its drop-off recycling program, and received in the neighborhood of \$200,000 in Act 101 Grant Funding. The Township requested that DEP provide guidance regarding the possibility of maintaining the drop-off program in lieu of curbside collection for participating residents.

Meetings were held in March and August 2002 with Mr. Chris Fritz, DEP Recycling Coordinator for Northeast Regional Office, to discuss and gain guidance regarding the continued operation of the drop-off facility, and how it could be incorporated into the required curbside program under Act 101. Following consultation with various PADEP officials, Mr. Fritz informed the Township that it could maintain its drop-off facility to augment a curbside collection program. However, Act 101 clearly requires that curbside collection be afforded to all of the Township households.

A meeting is scheduled for March 13, 2003 with Mr. Fritz to further discuss recycling issues.

2.0 Assessment of Options

2.1 Recycling Drop-off Facility

Upon receiving input from the DEP, various options were discussed and considered regarding the continued use of the drop-off facility. These options included:

1) Modification and upgrading of the existing drop-off recycling facility for use as a marshalling yard and processing facility for recyclables collected curbside.

- Modification/upgrading of the existing facility in order to accommodate for the processing of recyclable materials collected curbside will require reconfiguration, retooling, and additional storage capacity at the facility. The scope of this study does not provide for the type of analysis required to determine the feasibility of this option. It is suggested that if the Township wishes to further pursue this option that it apply through the county for an Act 101 Section 901 Grant to perform a detailed analysis.

2) Incorporation or use of the drop-off facility to augment the curbside collection program. Incorporation or use of the existing recycling facility is allowable and encouraged under Act 101.

- The current facility could augment a curbside collection program by providing residents an opportunity to recycle additional materials not included in a curbside program. This option would encourage additional recycling and waste diversion particularly in that the waste transfer program is a pay per bag or pay as you throw program. The residents are accustomed to recycling at the facility and are well aware of material preparation.

3) Closing the drop-off facility and initiation a curbside collection program,

- Closing the drop off facility upon the initiation of a curbside collection program is not recommended given the fact that a large portion of the population are accustomed to use of the facility and continued operation can provide for additional recycling opportunities and greater waste diversion.

2.2 Curbside Collection

Options for curbside collection practices (MSW, recyclables and leaves) used by municipalities are as individual and unique as each municipality. What works and is best suited for one municipality isn't necessarily well suited to others. The standard options are as follows:

- 1.) Municipal Collection**
- 2.) Municipal Contracted Collection**
- 3.) Private Contracts (resident/collector)**

1.) Municipal Collection

This system of residential curbside collection is provided entirely by the municipality or cooperating municipalities i.e.: equipment, maintenance of equipment, administration, education, marketing of materials and manpower. Traditionally, this type of collection services has been provided by large municipalities and smaller densely populated ones.

Municipal governments, at all levels, have recently (over the past few decades) faced ever increasing responsibility and the resulting rising, cost to address infrastructure needs, planning and zoning issues and public demands for additional services. Given these increased responsibilities and the financial strain they place on a municipality, cost associated with municipal services are scrutinized closely to avoid adding financial burden to already stressed tax bases. Considering the rapid and continued growth experienced by Chestnuthill Township this situation is exacerbated.

As previously stated, some of the States larger municipalities and smaller densely populated municipalities have traditionally provided collection services for MSW and recyclables. These programs are well established and have for the most part operated for numerous years. In recent years, a number of these municipalities have opted to privatize or procure contracted services for their collection programs for MSW and/or recyclables. Municipalities have also been entering into contracts for leaf waste collection services.

The primary reason for this shift to private sector operation or contracted services is cost savings achieved primarily through economy of scale, enjoyed by large collection companies.

Given the high cost for collection equipment, maintenance, personnel and administration, municipal collection is not recommended at this time, particularly in light of the current lack of Act 101 grant funding and the uncertainty of future funding.

2.) Municipal Contracting for Collection Services

In Pennsylvania in order for a municipality to enter into a contract for collection services for MSW, recyclables and/or leaf waste a competitive procurement process must be followed. This process entails preparation of a procurement document commonly known as a Request for Proposal (RFP) or Request for Bid (RFB). The document provides a detailed description of the services being requested, background information, requirements for responses, bid requirements and general contract terms. Upon review of the responses, the municipality will negotiate a contract with the lowest qualified bidder.

Contracting for collection services is favored by many municipalities who do not wish to be burdened with (or relieved from the burden of) providing collection services and the associated cost for collection i.e.: (equipment, maintenance, personnel, and administration). A number of recent comparative analyses have generally shown that lower cost can be achieved under a contact system vs municipal collection or individual

contract/private subscription. Contract terms can help ensure a consistent level of services and the municipality has a single responsible entity to deal with. A listing of recent municipal contracts for collection services is presented in Table 1.

Many municipalities that have considered contracting for MSW and/or recyclables collection services, have experienced opposition and opted not to contract. Local residents often do not favor collection service provided under municipal contracts. Residents often prefer their local haulers who are apt to meet special needs or wants of the household e.g.: place of collection, types of materials collected or provision of special collection services. In many cases, municipalities (statewide) succumb to political pressure applied by residents in support of small haulers and open competition. Specifically, residents often oppose municipal contracting for collection services on the basis that the small haulers will be put out of business and a monopoly will be established with a major company thus eliminating future competition. Concerns regarding the quality and level of service under a municipal contract are also often voiced. And as previously mentioned, municipalities currently operating a program (particularly large ones) face political opposition from employees and sympathetic citizens and unions. Private communities within municipalities, also, may not wish to be included under a contract and often opt for an alternative system.

Distribution of a RFP for collection services can provide cost for a variety of collection options for waste and/or recyclables for the Township consideration and comparison.

Table #1
Cost for Contracted Services

Municipality	Salisbury Township	Upper Macungie	Lower Macungie	Macungie	Emmaus Borough	White Hall Township
Annual Cost/HH	\$280.00	\$160.00	\$165.00	\$160.00	\$180.00	\$180.00
Collection Wastes	2X's/wk 12 bags	1X/wk 4 bags	1X/wk no limit	2X's/wk 12 bags	2X's/wk 12 bags	1X/wk no limit
Collection Recyclables	1X/wk	1X/wk	1X/wk	1X/wk	1X/wk	1X/wk
Collection Grass	1X/wk	None	None	None	None	None
Collection Leaf/Yard	None	None	None	None	None	None

Note:

- 1) Leaf collection done by Municipality, not included in contract cost.

3.) Private Contracts or Private Subscription

Chestnuthill Township is currently partially serviced by this system, where households contract directly with the hauler of their choice for MSW and/or recyclable collection services. A listing of haulers servicing the Township and cost charged for collection services are provided in Table 2. This system of individual contracting or private subscription is used throughout Pennsylvania by all sizes and types of communities (including private communities).

Although it has been reported (in several analysis) to be more costly than municipal collection or contracted collection services, it is preferred in many areas. Services

provided under individual contracts are performed predominantly by local haulers and/or mix of larger firms and local haulers. Often, (as previously noted) residents prefer this system based on special services provided by their selected hauler.

The system of individual contracts or private subscription is somewhat inefficient in that it requires duplication of efforts e.g.: often several trucks will travel essentially the same collection routes each collecting only a portion of the households along the way.

Enforcement is, at times, a challenge with this system and may require some enforcement actions to assure compliance of MSW recyclables and leaf waste.

The system is preferred by municipalities in that it's easily implemented through the adoption of an ordinance (see attachment A) and is compliant with Act 101. The system removes the burden of operation and cost associated with municipal operations i.e.: equipment, operation, maintenance and administration from the municipality. This option does maintain the competitive private enterprise system, which many residents prefer as noted above.

Table #2
Private Subscription Collection MSW And Recyclables

Collector	1 Bag	2 Bag	3Bag	4 Bag	Extra Bags
Wastes (1) Management Inc.		\$59.13	\$72.63 (3 to 5 bags)		\$3.00
Quality Waste	\$51.00	\$63.00	\$75.00	\$87.00	\$3.00
Norman (2) Rinker	\$45.00	\$54.00	\$60.00	\$66.00	
Lord's Carting	\$39.00			\$60.00	
Coslar Sanitation	\$46.00	\$56.00	\$65.50	\$68.25	\$2.00

Notes:

1. Waste Management, Inc.- quote recycling only collection services \$30.00 yr.
2. Norman Rinker- recyclable collection not included priced per bag same as waste.
3. Prices quoted are for services provided in Chestnuthill Township.
4. Prices based on weekly collection of waste.

3.0 Cost Comparison of Options

A direct comparison “apples to apples” can not be accomplished based on the data gathered. That is variables exist for each form of collection. However, considering the following assumptions, a general comparison of quarterly cost can be made for MSW and recyclables collections. A basic assumption is that 2 bags of MSW will be the norm.

- Municipal drop-off, assumes that resident deliveries, 2 bags of waste per week and recyclables (\$15.00 permit and 2 bags MSW per week @ \$1.50 each X 52 weeks = \$171.00 per year or \$42.75 per quarter).
- Private Subscription, assumes 2 bags MSW per week and recyclables collection every other week. The average quoted quarterly cost of \$59.37 (includes only those quotes provided for 2 bags MSW and recyclables collection).
- Municipal Contract, upper Macungie contracted cost of \$160.00 per year or \$40.00 per quarter is used for comparison in that it limits 4 bags of trash, set out per week and only one weekly collection. This quote is closest to the assumed norm of 2 bags of waste per week per household for the Township.

3.1 Cost of Collection

<u>Average Quarterly Rates</u>	<u>Quarterly</u>
Municipal Drop-Off	\$42.75
Private Subscription	\$59.37
Municipal Contract	\$40.00

As previously noted, many variables exist that will impact the cost of collection under a municipal contract. However, contracting for waste and recyclables collection should be

considered by the Township as it appears the most economical and will enable the Township to readily comply with Act 101 collection requirements.

4.0 Leaf Waste Collection

It is important to note that the prices quoted for municipal contracts do not include leaf collection. The noted municipalities in Table 2 provide this service. The Township has considered various collection methods, however, curbside collection of leaf waste presents some unique challenges considering the Townships 150 miles of roadway, its rural nature and remaining active agriculture.

ARI has met with the Township on several occasions to discuss various options for leaf waste collection. The Township realizes the importance of diverting yard waste and is in the process of developing a leaf/yard waste compost facility. The basic problem is “collection” of leaf waste which has never been done in the Township; the County has offered its assistance in this matter.

ARI met with the County recycling coordinator and the Monroe County Municipality Waste Management Authority (MCMWMA) consultants to discuss the potential for County assistance regarding development and implementation of a leaf waste collection program. The MCMWMA proposed the establishment of a pilot program for collection of leaf waste in Chestnuthill Township and two other Monroe County Townships, i.e.: Coolbaugh and Middle Smithfield.

These three (3) municipalities were all struggling to develop an individual leaf collection program for their residents as per their recent mandate under Act 101. The MCMWMA realized that the cost of establishing separate collection systems, either under contract or by direct municipal labor, would be extremely expensive and, therefore, prohibitive, under current municipal budget constraints. The MCMWMA has proposed to provide for the collection of leaf waste for the next two years as a pilot program. The purpose of the pilot program is to provide data and statistics to the individual municipalities regarding leaf waste collection. This information will be used to assess the need and value of leaf waste collection and the efficiency and effectiveness of a cooperative program. The MCMWMA has applied for Act 101 Section 902 Grant assistance to develop this program on behalf of the three mandated municipalities. The MCMWMA has assured the municipalities that it will implement the program regardless of grant funding availability. ARI has reviewed the proposed program and, based on the information provided by the MCMWMA, recommended the Township support the MCMWMA grant application and participate in the program. The program will accommodate Act 101 requirements for leaf waste collection.

5.0 Conclusions and Recommendation

In order to meet the requirements of Title 25 § 272.24 the Township is required to adopt an ordinance or regulation which will govern the mandatory recycling program. A draft model ordinance is included in Attachment A. The Draft Ordinance contains

recommended designated recyclables as discussed with the Township at our February 12, 2003 meeting.

- The recommended recyclables include clear, green and brown glass, aluminum and bimetal cans, HDPE and PET plastics and newspaper. These are the materials currently being collected curbside by collectors servicing the Township.

A recommended public education program and model education materials are included in Attachment B, the recommended program will meet and exceed the requirements of Act 101 for residential and commercial/institutional recycling. The Township has been provided with draft Public Notices and notification letters to collectors and commercial/institutional establishments and also requisite recyclable collection reports.

Adoption of the suggested program will allow the Township to comply with Act 101 while it determines how and/or if it desires to incorporate its existing waste disposal and recycling program into a comprehensive plan for management of its waste, recyclables and leaf and yard waste.

A meeting is scheduled for March 13, 2003 with Mr. Chris Fritz and other DEP Representatives to further discuss with the Township the challenges it faces with regard to mandatory curbside collection and its existing program. ARI will attend the planned meeting to assist the Township.

ATTACHMENT A
DRAFT ORDINANCE

ORDINANCE NO. -- - 2003

AN ORDINANCE OF THE TOWNSHIP OF CHESTNUTHILL, MONROE COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL WASTE AND RECYCLING, INCLUDING MANDATORY SOURCE SEPARATION AND SEPARATE COLLECTION OF DESIGNATED RECYCLABLE MATERIALS; PROVIDING FOR THE REGULATION AND REGISTRATION OF COLLECTORS; PROHIBITING THE DISPOSAL OF DESIGNATED RECYCLABLE MATERIALS AND LEAF WASTE WITH MUNICIPAL WASTE; PROHIBITING THE BURNING OF DESIGNATED RECYCLABLES AND LEAF WASTE; EMPOWERING THE CHESTNUTHILL TOWNSHIP TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREOF; FIXING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

TABLE OF CONTENTS

PART I – GENERAL

1. Scope.....

2. Purpose.....

3. Definitions.....

4. Dumping/Litter.....

5. Preparation of Storage of Municipal Waste

6. Required Collection and Regulation Thereof

7. Transportation of Municipal Waste

8. Open Burning.....

9. Public Litter Baskets

10. Collectors to Furnish Name and Address of Property Owners....

11. Separation of Leaf Waste

PART II – RECYCLING

- 12. Separation of Recyclables
- 13. Placement for Removal of Recyclables – Residential
(Other than Multi-Family Housing Properties).....
- 14. Placement for Removal of Recyclables – Multi-Family
Housing Properties
- 15. Placement for Removal of Recyclables – Commercial,
Municipal and Institutional and Community Activities.....
- 16. Recycling Reports for Residential and Multi-Family Housing
Properties, Commercial, Municipal and Institutional Establishments
And Community Activities
- 17. Collection by Unauthorized Person
- 18. Presumption of Ownership of Municipal Waste

PART III – COLLECTOR’S DUTIES

- 19. Registration of Collectors
- 20. Registered Collectors to Provide Recyclable Removal Service for
Residential Properties.....
- 21. Registered Collectors to Provide Recyclable Removal Service for
Commercial, Municipal and Institutional Establishments and
Properties.....
- 22. Registered Collectors Not to Accept Unlawfully Disposed-of
Recyclables
- 23. Unlawful to Terminate Services of Registered Collector for Compliance
With this Ordinance
- 24. Registered Collectors to Provide Bulky Items Removal Service...
- 25. Complaints
- 26. Community Oriented Charitable Activities

PART IV – MISCELLANEOUS PROVISIONS

- 27. Non-Interference with Existing Contracts.....
- 28. Violation and Penalty.....
- 29. Severability
- 30. Repealer.....
- 31. Effective Date.....

WHEREAS, the Township of Chestnuthill desires to amend Ordinance No. ---, known as the “Recycling Ordinance”, enacted on the Township of Chestnuthill, with respect to the establishment of a comprehensive recycling program within the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Chestnuthill, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

PART I – GENERAL

1. **SCOPE**

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

2. **PURPOSE**

This Ordinance is being enacted in order to establish a program for the collection, storage, transportation, processing and disposal of municipal waste, to implement a recycling program, including mandatory source separation and separate collection of designated recyclable materials and leaf waste, in order to return valuable materials to productive use, to conserve energy, and to protect capacity at municipal waste processing and disposal facilities.

3. **DEFINITIONS**

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

A. “Agent” – one who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefore).

B. “Aluminum Cans” – empty, all-aluminum beverage and food containers.

C. “Applicant” – a person desirous of being registered as a Collector or of being issued a recyclable collectors registration, as the case may be.

D. “Bi-metallic Cans” – empty food or beverage containers consisting of both steel and aluminum.

E. “Township” – Township of Chestnuthill, Monroe County, Pennsylvania.

F. “Composting” – The process by which organic material is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

G. “Composting Facility” – A facility using land for processing of organic material by composting.

H. “Collector” – a general term referring to any person who collects, for removal from premises, municipal waste or recyclables.

I. “Commercial” – of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business, or establishment.

J. “Community Activity” – an activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefore.

K. “Corrugated Paper” – structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

L. “Curbside Collection” – a method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties place them at curbside, at times designated by authorized collectors, for collection and removal by an authorized collector thereof for delivery to a recycling center.

M. “Disposal” – the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

N. “Disposal Area” – any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.

O. “Garbage” – all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

P. “Glass Containers” – all empty food and beverage jars or bottles made from silica or sand, soda ash, and limestone, the product being transparent or translucent (either clear, green or brown), excluding, however, blue glass, flat glass, plate, glass commonly known as “window glass”, automotive glass, and ceramic and porcelain products.

Q. “High-Grade Office Paper” – any white paper other than newsprint, magazines, or other chemically coated paper or corrugated paper, of the type commonly used for letter-writing stationery, note paper, plain paper photocopying machines, computer printers, and other general-purpose paper, whether or not any printed or written matter is contained thereon.

R. “Institutional” of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches, and social or fraternal societies and organizations.

S. “Landlord” – the owner of residential property, or such owner’s authorized agent.

T. “Leaf Waste” – leaf waste, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

U. “Leaf Composting Facility” – a facility for composting vegetative material, including leaf waste, garden residue and chipped shrubbery and tree trimmings.

V. “Registered Collector” – a person registered with the Township of Chestnuthill to collect, haul, transport, and delivery of municipal waste and recyclables.

W. “Magazines” – printed matter, also known as “periodicals”, containing miscellaneous written prices published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

X. “Multi-Family Housing Property” – a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

Y. “Municipal” – of or pertaining to any office or other property under the control of any branch or arm of the federal government of the United States of America, the Commonwealth of Pennsylvania, or any political sub-division of the Commonwealth of Pennsylvania including, but not limited to the Township of Chestnuthill, any counties, cities, Townships, and municipal authorities.

Z. “Municipal Waste” – any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid, or contained gaseous material, resulting from operation of residential, municipal commercial, or institutional establishments and from community activities, and any sludge not meeting the definition of “residual or hazardous waste” as defined in the Pennsylvania Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source – separated recyclable materials.

AA. “Newspaper” – paper of the type commonly referred to as “newsprint” and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term “newspaper” expressly excluded magazines, glossy or other chemically coated paper, office paper, and any other paper products of any nature.

BB. “Open Burning” (Fire) – a fire in which any solid waste is burned in the open or in a receptacle other than a furnace or an incinerator permitted by the Pennsylvania Department of Environmental Protection.

CC. “Person” – any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government of agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

DD. “Plastic Containers” – empty plastic food and beverage containers, the specific types of which are PET (soft drink and water bottles) and HDPE (milk and water jugs, detergent and shampoo bottles) to be designated by resolution of the Township Council.

EE. “Processing” – any technology used for the purpose of reducing the volume or bulk of municipal waste, or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities, and resource recovery facilities.

FF. “Recyclables Collector” – a person authorized by the Township, through registration, to collect, transport, recyclables exclusively (and not municipal waste) for persons other than himself, his immediate family, or persons for whom he is acting as an agent (as defined herein).

GG. “Recyclables” – Materials designated as recyclable in this Ordinance, or required by the terms of this Ordinance, any Amendment hereto or designated by Resolution of the Township to be kept separate from municipal waste and recycled, including leaf waste.

HH. “Recycling” – the collection, separate maintenance, recovery, and sale or reuse of recyclables which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery or reusable materials other than a fuel for the operation of energy.

II. “Recycling Center” – a facility designed to, and which does, act as a collection center for the processing, storage, and shipment of recyclables. The term specifically excludes transfer stations and landfills for solid waste and composting

facilities and resource recovery facilities; and specifically excludes charitable organizations that accept recyclables for collection but do not process such recyclables.

JJ. “Registered Collector” – a registered collector (as defined herein); or a person who, being so authorized by the terms of this Ordinance, removes municipal waste, recyclables or leaf waste from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent (as defined herein) of another person.

KK. “Residential” – of or pertaining to any dwelling unit used as a place of human habitation and which is not commercial, municipal, institutional, or a community activity. Home occupations incidental to be residential use within a building are considered “residential”.

LL. “Rubbish” – solid waste exclusive of garbage, (e.g. non-recyclable glass, metal, paper or plastic) and non-compostable plant material, wood or nonputrescible solid waste.

MM. “Steel Cans” – empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.

NN. “Storage” – the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

OO. “Transportation” – the off-site removal of any municipal waste at any time after generation thereof.

PP. “Waste” – a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Resources for beneficial use.

QQ. “Yard Waste Composting Facility” – a facility that is used to compost leaf waste, including a facility that is used to compost grass.

4. DUMPING/LITTER

It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding, or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste,

recyclables or leaf waste in any stream or body of water, or on or near any public or private right-of-way within the Township.

Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in an appropriate receptacle any municipal waste, recyclables, or other debris deposited or accumulated on the sidewalk or gutter in front of or adjacent to such property. All owners or operators of commercial, industrial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposition and accumulation of debris in front of their premises, and in furtherance of that end, may place appropriate waste containers on the sidewalks in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.

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

5. PREPARATION AND STORAGE OF MUNICIPAL WASTE

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

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

- A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction; rust and corrosion resistant, equipped with lids and waterproof.
- B. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers described above, and all ashes shall be free of any burning material before being deposited for collection.
- C. No person, except the occupant of the property on which a waste container is placed, a registered collector, and any authorized employees shall remove the lids of the container and/or remove the contents thereof.
- D. All hazardous waste, including but not limited to waste of a highly infectious or contagious waste, shall not be stored for ordinary collection,

but shall be specially disposed of in accordance with the directions of the Township or of any State or Federal authority having jurisdiction thereof.

- E. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located, if it is located on private property.

6. REQUIRED COLLECTION AND REGULATION THEREOF

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

If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum every fourteen (14) days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, un-sightly, or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this Ordinance.

Every owner or occupant of residential property and every other person who, or establishment which, does not collect and remove their own municipal waste, as aforesaid, shall use the collection service provided by the Township contract collectors or alternative contract with a registered collector for the regular, scheduled curbside collection and removal of the municipal waste at least once every fourteen (14) days. Municipal waste shall be prepared for collection and be collected and removed from such persons' or establishments' properties at least once every fourteen (14) days, except where conditions beyond the control of the registered collector prevent it.

No person other than a registered collector shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation, and disposition of municipal waste other than the collection services provided by Township shall be by private contract between the owner or occupant of the property where the waste is generated and the registered collector who is to collect such waste.

Nothing contained herein shall be deemed to prohibit any person from collecting or hauling municipal waste on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection, provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste as required by this section and provided that such is not in violation of any county or other municipal law or regulation.

Nothing in this section shall modify the requirements in this Ordinance pertaining to separation and preparation of recyclables or leaf waste. Nothing in this section shall impair the ability of the Township to provide a system of placement for removal and

public collection of leaf waste, or the Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

7. TRANSPORTATION OF MUNICIPAL WASTE

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

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

The transfer of waste from one collection vehicle to another may not take place in the Township except on private property in those areas of the Township designated for such transfer by the Township. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter, or in any other manner constitute a nuisance, create a health hazard, or violate any other ordinance of the Township or provision of statutory law.

8. OPEN BURNING

No person shall ignite, cause, feed, permit or maintain any open fire for the destruction of solid waste, leaf waste or recyclables designated in this Ordinance on any property under his control, except as hereinafter provided.

Exceptions to Open Burning Prohibition

- a. Open fires may be set in the performance of an official duty of any public officer if the fire is deemed necessary for the prevention of a fire hazard, which cannot be abated otherwise; and for the protection of public health.
- b. No open burning shall occur during any fire ban emergency declared.

9. PUBLIC LITTER BASKETS

The Township is hereby authorized to provide for collection of municipal waste from Township property, to provide public litter baskets on sidewalks in the Township, and to dispose of such waste in either a receptacle of a registered Collector or at designated disposal sites.

10. COLLECTORS TO FURNISH NAME AND ADDRESS OF PROPERTY OWNERS

Upon direction from the Township, each registered collector shall furnish to the Township, on a form to be provided therefore, the name and address of all owners of properties being serviced by such collector.

11. SEPARATION OF LEAF WASTE

Unless otherwise provided for composting, all persons shall keep leaf waste separate from all other forms of municipal waste and separate from recyclables. Such waste shall be set out for collection in a manner to be designated by the collector and shall be delivered by the collector for processing composting at a facility operating in accordance with Pennsylvania Department of Environmental Protection's Regulations and Guidelines for Leaf Composting Facilities. Nothing herein shall require any person to gather leaf waste or grass clippings or prevent any person from utilizing leaf waste for compost, mulch, or other agricultural purposes.

PART II – RECYCLING

12. SEPARATION OF RECYCLABLES

- A. Recyclables shall be kept separate from municipal waste for the purpose of recycling, to the extent required by the following provisions:
1. Owners and occupants of all residential properties shall keep separate the following recyclables: clear glass containers, brown glass containers, green glass containers, bi-metal/cans, aluminum cans and newspapers. Leaf waste shall also be kept separate for the purpose of composting.
 2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: clear glass containers, brown glass containers, green glass containers, aluminum cans, plastic containers, corrugated paper, newspapers and high grade office paper. Leaf waste shall also be kept separate for the purpose of composting.
 3. Additionally the Township may by Resolution enumerate additional recyclables that will be required to be separated from municipal waste and collected in accordance with this Ordinance.
- B. Glass containers and aluminum cans shall be emptied and cleaned. Aluminum cans and glass containers may be mixed together and placed in containers. High-grade office paper shall be placed in boxes not to exceed fifty (50) pounds. Recyclables shall not be placed in the same garbage can or other container as, or otherwise mixed with, municipal waste for collection, removal or disposal. Recyclables shall not be placed in plastic bags or other disposable bags or containers made of polyethylene or other similar base.

- C. Recyclables may be set out for collection in a manner different from the requirements in paragraph 12.B (above) if an alternative manner is designated by the collector.

13. PLACEMENT FOR REMOVAL OF RECYCLABLES –RESIDENTIAL (OTHER THAN MULTI-FAMILY HOUSING PROPERTIES)

- A. For residential properties other than multi-family housing projects, all recyclables and leaf waste that is required to be kept separate in residential properties pursuant to Section 12.A, above, shall be placed at the appropriate location on the premises to be collected at times designated by the registered collector. The frequency of such collection shall not be less than once per month for recyclables. Leaf waste shall be collected as appropriate during the fall (November through December).
- B. No person other than a registered collector shall collect or remove recyclables from any other person’s property. All agreements for collection, transportation and disposition, recyclables and/or leaf waste shall be by private contract between the owner or occupant of the property where the material is generated and the registered collector who is to collect such materials.
- C. Nothing in the ordinance shall be deemed to impair the ownership of separated recyclable materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection by the Township or its agent.

14. PLACEMENT FOR REMOVAL OF RECYCLABLES – MULTI-FAMILY HOUSING PROPERTIES

For multi-family housing properties, all recyclables which are required to be kept separate from municipal waste in residential properties pursuant to Section 13.A above, shall either be delivered to a recycling center, or shall be picked up by a registered collector separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a registered recyclables collector, then all recyclables generated at the property shall be made available to recyclables collection registrant for collection. Leaf waste shall be collected as appropriate during the fall (November through December).

The landlord of every multi-family housing property shall require, by a clause in the lease or other enforceable rule or regulation that the tenants in such property comply with the requirements of this Ordinance governing separation and placement for removal of recyclables in multi-family housing properties. Every such landlord shall set up a convenient and practical collection system in such properties for the storage and placement for removal of recyclables and leaf waste generated by the residents of such properties.

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

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

15. PLACEMENT FOR REMOVAL OR RECYCLABLES – COMMERCIAL, MUNICIPAL AND INSTITUTIONAL AND COMMUNITY ACTIVITIES

All recyclables that are required to be kept separate in commercial, municipal, and institutional establishments and properties and community activities pursuant to Section 12.A, above, shall either be delivered directly to a recycling center, or shall be picked up by a registered recyclables collector or a registered collector separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a registered recyclable collector, then all recyclables generated at the property shall be made available to such recyclable collector for collection. Commercial, municipal, and institutional establishments and community activities shall not place recyclables within the public right-of-way for curbside collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multi-family housing properties. Leaf waste shall be collected as appropriate during the fall (November through December).

16. RECYCLING REPORTS FOR RESIDENTIAL AND MULTI-FAMILY HOUSING PROPERTIES, COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES

A. Every commercial, municipal and institutional establishment and community activity sponsor shall complete a form to be designated “Recycling Report”, to be provided by the Township, which shall indicate where the property’s recyclables were delivered. Such report shall provide information on the type and amount of each material recycled, along with such other information as may be required by Resolution of the Township.

B. The “Recycling Report” and all weigh slips obtained from the facility or facilities to which the recyclables were delivered shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and Recycling Reports quarterly to the Township, the Collector who removed the recyclables from the property shall be the agent for any person occupying a residential dwelling unit, any landlord, and any operator of a commercial, municipal and institutional establishment or the sponsor of any community activity and shall be responsible for completing and submitting such to the Township. Each such quarterly report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar year basis, thus:

January through March; April through June; July through September; and October through December.

17. COLLECTION BY UNAUTHORIZED PERSON

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

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

18. PRESUMPTION OF OWNERSHIP OF MUNICIPAL WASTE

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

PART III – COLLECTOR'S DUTIES

19. AUTHORIZATION OF COLLECTORS

It shall be unlawful for any person, other than such persons as are duly authorized by the Township, to collect and to transport municipal wastes of any nature or recyclables within or from the Township. Authorization shall be given only as set forth below. Authorization to collect, transport, and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent (as defined in this Ordinance) may be given only by the Township through the issuance of a "Collectors Registration". A person who collects recyclables only shall also be required to register with the Township. A person who collects municipal waste exclusively or in addition to recyclables shall be required to register with the Township.

All registered collectors shall have an affirmative duty to follow and conduct themselves in accordance with their current County and the Commonwealth license or permit, and to service each of their customers in accordance with the requirements of this Ordinance, any failure of which shall be a violation of this Ordinance.

Collectors Registration:

1. Collectors Registration may be issued only to those persons who can comply with the provisions and intent of this Ordinance.
2. **Collectors desiring to register must furnish the following information** on a form to be prescribed and provided therefore by the Township.
 - a. The name, address, and telephone number of the collector.
 - b. The vehicle registration number, state of registration, and the make, model and size of each vehicle to be used for collection and hauling.
 - c. A list of all of the registrant's current customers in the Township, upon demand made for the same by the Township.
 - d. Any and all additional information, which the Township may request and deem necessary prior to the issuance of a license.
3. The Township may deny registration to a collector for any of the following reasons:
 - a. If the applicant's County or State issued license has previously been revoked or suspended.
 - b. If the applicant has violated, or is violating any Ordinance of the Township, the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, or any regulations of the Department of Environmental Protection relating to the environment and to solid waste, or has been convicted of any such violation.
 - c. If the applicant has any uncollected judgments filed against him resulting from lawsuits filed against him by any customer.
 - d. Where, in the Township or elsewhere, the applicant has failed to fulfill his duties as a municipal waste and/or recyclables? collector in general, or in particular has failed to pick up municipal waste in a workmanlike manner or on a regularly scheduled basis.

4. Collector's registration shall be renewed on a calendar year basis, but may be revoked at any time by the Township in accordance with the following:
 - a. Failure of the registrant to furnish and provide collection and delivery of municipal waste, recyclables and leaf waste in accordance with the terms of this Ordinance and the conditions under which the registration.
 - b. Administrative Proceedings:
 - (1) In case of violation or failure to comply with the provisions of this section, the Township shall give the registrant an opportunity for a hearing thereon. Any registered collector so entitled to a hearing shall have ten (10) days after notice of his right to a hearing is given to him pursuant to this section within which to request such a hearing in writing. Failure to so request a hearing shall be deemed to constitute an admission of the violation with which he is charged and which forms the basis of the revocation of his license. In case the registration does request a hearing in accordance with this section, a hearing shall be scheduled before the Township and the licensee given ten (10) days' written notice of the time and place of the hearing at which he may appear and answer the charge.
 - (2) Upon determination that a violation did occur, the Township may issue a warning or may revoke the collectors registration.
 - c. The registration of a collector under this section does not grant a vested right to any collector to a continued right to haul or collect municipal waste and recyclables in the Township, and the Township reserves the right to contract for municipal waste recycling and leaf waste collection services or to initiate the public collection of municipal waste and/or recyclables.
5. Conditions relating to Collectors Registration:
 - a. The registered collector shall be responsible for the manners in which his employees perform work pertaining to collection and hauling of municipal waste and recyclables under the terms of this Ordinance.

- b. The registered collector shall comply with the limitations on hours and frequencies of collection set forth in Sections 6, 15, and 25 of this Ordinance.
- c. The registered collector shall pay all costs charged for the use of any disposal facilities, which he utilizes.
- d. The registered collector shall empty bulk containers (such as dumpsters), which have been provided by them to their customers, when such bulk containers become full.

20. REGISTERED COLLECTORS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR RESIDENTIAL PROPERTIES

Every collector, as a precondition to being registered to do business within the Township, shall be required to provide to its residential customers the service of removing recyclables and leaf waste from their properties at the curbside. Any such recyclables so removed by registered collectors shall be kept separate from municipal waste, and shall be taken to a recycling center for the purpose of recycling. Likewise leaf waste shall be taken to a compost facility. Registered collectors shall take all of their customers' recyclable materials to a recycling center for the purpose of recycling.

21. REGISTERED COLLECTORS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND PROPERTIES

Every collector, as a precondition to being registered to do business within the Township, shall be required to provide to its commercial, municipal, institutional and multi-family housing property customers the service of removing recyclables from their properties. Any such recyclables so removed by registered collectors shall be kept separate from municipal waste and shall be taken to a recycling center for the purpose of recycling likewise leaf waste shall be taken to a compost facility. Registered collectors shall take all of their customers' recyclable materials to a recycling center for the purpose of recycling.

22. REGISTERED COLLECTORS NOT TO ACCEPT UNLAWFULLY DISPOSED-OF RECYCLABLES

No registered collector shall accept, pick up, or remove any bag or other container of municipal waste which the collector knows, or has reason to believe, contains recyclables required to be separated, combined with municipal waste. Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pickup, the collector shall affix a tag or sticker to the container containing the recyclables, retain a duplicate for his records, and deliver a triplicate to the designated office of the Township within 48 hours. When the collector utilizes tag or sticker pursuant to this section, he shall fill in the information requested thereon, including the address at which the container is located and the reason which led him to know or believe

the container contained recyclables (e.g. he saw newspaper or he heard bottles rattling). The collector shall leave such container with the tag or sticker placed thereon where he found it.

23. UNLAWFUL TO TERMINATE SERVICES OF REGISTERED COLLECTOR FOR COMPLIANCE WITH THIS ORDINANCE

No person shall terminate the services of a registered collector because of such collectors compliance with the requirements set forth in Section 22 above.

24. REGISTERED COLLECTORS TO PROVIDE BULKY ITEMS REMOVAL SERVICE

All registered collectors doing business within the Township shall make available to their customers the service of removal of “bulky items” not less frequently than once per year.

25. COMPLAINTS

All complaints regarding collection of recyclables or solid waste shall initially be reported to the registered collector. Any reasonable complaint shall be given prompt and courteous attention. In the case of missed collection, the registered collector shall collect from the missed collection site not later than twenty-four (24) hours after the complaint is received. Any complaint that the registered collector fails to resolve shall be reported in writing to the Township.

26. COMMUNITY ORIENTATED CHARITABLE ACTIVITIES

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable material being placed at curbside or similar location for collection by an authorized collector. Prior to initiating such activity the organization shall obtain authorization from the Township.

Nothing herein shall be deemed to prohibit any person from donating or selling any recyclables to individuals or organizations unless or until such recyclables are placed at curbside or similar location for collection by a registered Collector.

PART IV – MISCELLANEOUS PROVISIONS

27. NON-INTERFERENCE WITH EXISTING CONTRACTS

- A. Nothing contained in this Ordinance shall be construed to interfere with or in any way modify the provisions of any existing contracts, which are in

force in the Township of Chestnuthill on the effective date of this Ordinance.

- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, storage, transportation, processing and disposal of recyclables shall be entered into after the effective date of this Ordinance, unless such renewal or such contract shall conform to the requirements of this Ordinance.

28. VIOLATION AND PENALTY

- A. No person shall violate any portion of this Ordinance.
- B. Prosecution under this Ordinance shall be instituted by any Township official, and shall be filed in the name of Township of Chestnuthill, MONROE County, Pennsylvania.
- C. Enforcement shall be by an action brought before a District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 454(c) (relating to trial in summary cases).
- D. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof by any of District Justice, be sentenced to pay a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars, together with costs, for the first violation, not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, together with costs, for the second, and up to one thousand (\$1,000.00) dollars, together with costs, for subsequent violations. Each day that a violation exists shall constitute a separate offense. In default in the payment of any fine imposed hereunder, the defendant shall be sentenced to jail for a period not exceeding ninety (90) days.
- E. All fines and penalties collected for any violation of this Ordinance shall be paid to the Township treasurer.
- F. In addition to or in lieu of an enforcement action before a District Justice, the Township may enforce this ordinance in equity. In the event an abatement notice has been issued, which is being violated, or in any other appropriate circumstance, any Township official is hereby authorized on behalf of the Township to institute an action in equity for an injunction to enforce compliance herewith and/or to restrain continuous violations of this Ordinance.

- G. For purposes of this section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance created an affirmative duty, shall constitute a violation of the Ordinance, punishable as herein stated.

29. SEVERABILITY

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

30. REPEALER

This Ordinance repeals the previously enacted Ordinance No. 193, and any other ordinance or part thereof with which it may conflict.

31. EFFECTIVE DATE

This Ordinance shall become effective five (5) days from the date of enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Township of Chestnuthill, Monroe County, Pennsylvania, this --th day of -----, 2003.

(----- SEAL)

ATTACHMENT B
PUBLIC EDUCATION/INFORMATION

Public Information/Education

Implementation of a comprehensive education and information campaign will help insure the program is successful initially and over the long run. The following are suggested components for developing an education and information program that will gain public interest and increase enthusiasm and support. The components are applicable to recycling and/or leaf and yard waste composting programs.

- Place an ad in a paper of general circulation providing details of the program and its merits, suggest this be done twice per year. If a new program is to be initiated place at least one ad 30 days prior to initiation.
- Prepare and distribute news releases and public service announcements to the local media. Provide program details, program kick off date and importance of the program e.g.: waste stream reduction, saving on disposal fees, saving/reuse of valuable resource, reduction of dependence on disposal facilities and, of course, it's the law (for mandatory programs).
- Development of a slogan e.g.: send your leaves to a mulch better place; recycle today for a better tomorrow. Slogans help with program identity and purpose.
- Develop a logo representing the program that will be readily identifiable. The logo can act as a constant reminder (particularly if its placed on a refrigerator magnet or calendar).
- Prepare an instructional flier, door hanger or brochure, one that is eye catching and to the point: (i.e.: who, what, where, when and why). The flier, door hanger or brochure could be distributed by volunteers or sent with Newsletter, utility or tax bills to save on mailings. Additional brochures (and posters) could be placed in public buildings and local businesses.
- A banner or banners can help publicize the program. A banner could be used at the beginning of leaf collection, and a second banner used for grass collection (the programs first month). A banner could also be used for recycling re-enforcement (e.g.: a reminder used for earth day and other events). These banners could be used repeatedly season after season.
- Distribute promotional items that encourage participation, (e.g.: a refrigerator magnet collection calendar, pencils, pens, rulers made from recycled materials). Items that are seen or used regularly and will act as a constant reminder.
- Preparation of a recycling display outlining the programs benefits, charting participation and avoided cost of disposal, etc. The display could be placed in the Municipal Building and used at various civic events.

- Incentive programs for participation, that is: rewarding households who participate. Conduct a random drawing and if the selected household has participated (set out its recyclables on a given day) a prize is awarded or a certificate or recognition.
- Encourage and assist schools to provide for recycling/composting education programs. Youth “will” be constant reminders to adults regarding recycling and composting often our best educators of adults.