

AN ORDINANCE OF THE TOWNSHIP OF SUSQUEHANNA, DAUPHIN COUNTY, PENNSYLVANIA, REPLACING CHAPTER 20, COLLECTION PROCEDURES AND IMPLEMENTING COLLECTION OF SOLID WASTE AND RECYCLING.

WHEREAS, Susquehanna Township has determined it would serve the public health, welfare and safety of the residents of Susquehanna Township with amendments and, in its place adopt the 2003 International Building Code.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Susquehanna Township, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by authority of the same.

SECTION 1 The Township of Susquehanna hereby adopts, for purposes of establishing rules and regulations for the collection of Township municipal waste and recycling:

§201. Short Title. This Part of Chapter 20 shall be known as the "Susquehanna Township Municipal Waste Reduction and Recycling Ordinance."

§202. Authority. This Part is enacted pursuant to the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988.

§203. Purposes and Goals. The purposes and goals of this Part are to:

- A. Require waste reduction and recycling as a means of managing solid waste conserving resources and supplying energy.
- B. Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of solid waste.
- C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.
- D. Establish and implement with the Township a recycling program to return valuable materials to productive use to conserve energy and to protect capacity at waste processing and disposal facilities.
- E. Recycle at least twenty-five (25%) percent of all solid waste and source separated recyclable materials generated in this Township.
- F. Reduce the weight or volume of solid waste generated per capita in this Township to a weight or volume less than that generated per capita on the effective date of this Part.
- G. Teach each person living or working in the Township the economic, environmental and energy value of recycling and waste reduction and encourage, through a variety of means, participation in such activities.

- H. Promote the procurement and use of products and materials with recycled content and materials that are recyclable by the Township to the greatest extent practicable.

§204. Definitions. In this Part the indicated words or phrases shall have, unless the context clearly indicates otherwise, the meanings given to them as follows:

ALUMINUM CANS – empty, clean, non-aerosol, all aluminum beverage and food containers.

AUTHORIZED COLLECTOR – person, firm, corporation, or other legal entity licensed or contracted by the Township of Susquehanna to undertake curbside recycling collection or to otherwise collect recyclables within Susquehanna Township, Dauphin County, Pennsylvania.

COMMERCIAL ESTABLISHMENT – any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, theatres, and multi-family rental housing properties with four (4) or more units.

CORRUGATED PAPER – paper or pasteboard contracted into parallel grooves and ridges, commonly referred to as cardboard, which is used for wrapping, packing, shipping and/or storage.

CURBSIDE RECYCLING COLLECTION – the scheduled collection and transport of recyclable materials placed at the curb line or other similar location by residential establishments or approved small businesses.

DWELLING UNIT – one (1) or more rooms in a residence or dwelling which room or rooms have fixed cooking facilities arranged for occupancy by one (1), two (2) or more persons living together.

GLASS – all clean, empty bottles and jars made of clear, green or brown glass, not including non-container glass, plate glass, blue glass, porcelain and ceramic products, light bulbs and fluorescent tubes.

HIGH GRADE OFFICE PAPER – printed or unprinted sheets, shavings and cuttings of sulphite or sulphate ledger, bond, writing and other papers which have similar fiber and filler content. This grade must be free of treated, coated, padded or heavily printed stock. This definition includes light weight office papers, i.e., letterhead or mimeograph paper typically sold as “white ledger” paper, bond, Xerox paper and onionskin, as well as computer paper.

INSTITUTIONAL ESTABLISHMENT – those facilities that house or serve groups of people including, but not limited to, hospitals nursing homes, child day care centers, libraries, nonprofit associations, schools and universities; this definition shall not include standard residential units.

INDUSTRIAL ESTABLISHMENTS – any establishment engaged in a manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

LEAF WASTE – leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

MULTI-FAMILY DWELLINGS – a building used or designed as a residence for four (4) or more families living independently of each other and doing their own cooking therein including, apartment houses, group quarters, townhouses and condominium complexes.

MUNICIPAL ESTABLISHMENTS – public facilities operated by Susquehanna Township and other governmental authorities.

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 in the 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.

NEWSPAPER – paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereto news and opinions and containing advertisements as matters of public interest, but not including glossy advertising inserts typically inserted with newspapers, nor magazines or periodicals.

PERSON – any individual, corporation, partnership, joint venture, association, joint-stock company, trust, and incorporate organization, or any government or public agency or political subdivision thereof, or any authority or agency thereof. In any provision of this Part prescribing a fine, imprisonment, penalty, or remedy, 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.

PLASTICS – empty and clean consumer product containers made of polyethylene terephthalate (PET), polypropylene (PP), high density polyethylene (HDPE) and low density polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk and other consumer food products, or for household cleaning products or for personal care products.

RECYCLABLES/RECYCLABLE MATERIALS – those materials specified by the Township of Susquehanna for separation, collection, processing, recovery or reused as part of a recycling program.

RECYCLING – the separation, collection, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which could otherwise be disposed of or processed as solid waste or the mechanized separation and

treatment of solid waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the generation of energy.

RESIDENTIAL ESTABLISHMENT – any occupied dwelling unit, except multi-family rental housing properties with four (4) or more units.

SMALL BUSINESS ESTABLISHMENTS – any professional or commercial business that can comply with four (4) container service and wishes to be mandated under the terms of this Part.

SOLID WASTE – all materials or substances that are generally discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection including, garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris and offal.

SOURCE-SEPARATED RECYCLABLE MATERIALS – recyclable materials that are separated from solid waste at the point of origin for the purpose of recycling.

STEEL CANS – empty, all steel (ferrous material) or bi-metal beverage and food containers.

TOWNSHIP – the governmental jurisdiction and legal entity of the Township of Susquehanna, Dauphin County, Pennsylvania.

§205. Powers, Duties and Responsibilities of Susquehanna Township.

1. Responsibilities. Susquehanna Township shall have the power, and its duty shall be, to adopt and implement a program for the collection and recycling of municipal waste or source separated recyclable materials as provided in this Part.
2. Powers. In carrying out its duties under this Section, the Board of Commissioners of Susquehanna Township may adopt resolutions establishing procedures, regulations and standards for the recycling, transportation, storage and collection of source separated recyclable materials which shall not be less stringent than, and not in violation or inconsistent with the provisions and purposes of, the Municipal Waste Planning, Recycling and Waste Reduction Act and the regulations promulgated pursuant thereto.
3. Duties. Susquehanna Township shall implement the provisions of this Part by collecting, transporting, processing or marketing source separated materials or contracting, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection and storage of source separated recyclable materials. Any such person shall be jointly and severally responsible with Susquehanna Township in carrying out its duties for transportation, collection and storage activity.

§206. Recycling Program. Susquehanna Township hereby establishes and implements a mandatory source-separation and collection program for recyclable materials by persons located in Susquehanna Township in accordance with §1501 of the Municipal Waste Planning, Recycling and Waste Reduction Act.

§207. Residential Establishments and Small Business Establishments.

1. Owners and residents of residential establishments and small business establishments are hereby required to separate all recyclable materials as specified by regulation from other municipal waste generated at their homes, apartments and other residential or small business establishments and to store such material until collection. The number of the materials shall be designated periodically by regulation from the following: Clear glass, colored glass, aluminum, steel and bi-metallic cans, high grade office paper, newsprint, corrugated paper and plastics.
2. Recyclable materials from residential establishments and small business establishments shall be placed at the curb or other similar area, separate from solid waste, for collection, at such times and dates as may be established by regulations shall schedule a minimum of one (1) day per month for pick up of recyclables from residential establishments. Nothing in this Part or regulations promulgated hereunder shall be deemed to impair the ownership of separated 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 agents.

§208. Commercial, Institutional, Industrial, and Municipal Establishments.

1. Commercial, institutional, industrial and municipal establishments are hereby required to separate all recyclable materials as specified by regulation and to store such material until collection. The times, dates and places for collection shall be established by regulations. Such regulations shall schedule a minimum of one (1) day per month for pick up of recyclables from commercial, institutional, industrial and municipal establishments.
2. The owner, landlord or agent of an owner or landlord, of multi-family housing properties with four (4) or more units may comply with the responsibilities under this Section by establishing a collection system for recyclable materials 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, landlords and agents of owners or landlords who comply with this Part shall not be liable for non-compliance of occupants of their building.
3. Persons occupying commercial (including multi-family rental housing properties with four (4) or more units), institutional, industrial and municipal establishments, within the Township municipal boundaries, not part of the Township curbside recycling program and otherwise providing for the recycling of materials they are required by this Part to

recycle must provide, annually, written documentation to the Township of the total number of tons recycled or estimated to be recycled, as well as the name of any authorized collector collecting their recyclables.

§209. Leaf Waste. All persons who reside in residential establishments and all persons who are responsible for the operation of small business establishments, commercial, institutional, industrial and municipal establishments where leaf waste occurs or is generated, shall source separate all leaves and place them for collection at the times and in the manner prescribed by regulation unless those persons have otherwise provided for the composting of leaf waste. The owners, landlord or agent of an owner or landlord of multi-family rental housing properties with four (4) or more units, small business establishments, commercial, institutional, industrial and municipal establishments may comply with their responsibilities under this Section by establishing a collection system for leaf waste at each property.

§210. Collection Contract. The Township may enter into a contract with public or private agencies for the curbside collection of all or part of the recyclable materials generated within its municipal boundaries.

§211. Collection by Unauthorized Persons. From the time of placement of recyclable materials at the curb or a similar area for collection, in accordance with this Part and the regulations promulgated hereunder, those materials shall be and become the property of the Township and its authorized collector(s). It shall be a violation of this Part for any person(s) not authorized by the Township, to collect or pick up or cause to be collected or picked up any such recyclable material. Any and each such collection in violation hereof from one (1) or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

§212. Unlawful Disposal of Recyclables. Upon and after the effective date of this Part it shall be unlawful for any person or persons to dispose of any recyclable items as established by this Part or regulations promulgated hereunder, co-mingled with other solid waste not required to be recycled or to dispose of such items in places that will not insure that items are recycled, unless material is so contaminated that it is unacceptable for recycling.

§213. Enforcement and Administration, Penalties and Remedies.

1. The Township Health Officer and the Township Code Enforcement Officer or their designee is authorized and directed to enforce this Part. The Health Officer is also hereby authorized and directed to establish and promulgate reasonable regulations as to manner, materials, days and time for the collection of recyclable materials and any other matters required to implement this Part in accordance herewith. The Health Officer or his or her designee may change, modify, repeal or amend any portion of said regulations at any time.
2. Any person, other than a municipal official exercising his or her official duties, who shall violate any provision of this Part, any regulation promulgated hereunder, or any order issued hereunder shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty

(30) days. Each days continuation of violation of this Part shall constitute a separate and distinct offense.

3. In addition to any other remedies or penalties hereinbefore provided, the Solicitor of the Township is authorized to institute proceedings in courts of law or equity to control the recycling, transportation, collection and storage of source separated recyclable materials or to enforce the provisions of this Part, including the securing of injunctive relief to prohibit any unlicensed or unauthorized person, or any licensed or authorized collector in violation of the provisions of this Part, from continuing the collection, transportation or disposal of recyclable items hereunder, or to enforce compliance by any person with the terms of this Part.

§214. Source Separated Recyclables. The following items are to be source-separated and recycled:

- A. At residential units and approved small business establishments (including multi-family establishments):
 1. Clear glass
 2. Colored glass
 3. Aluminum
 4. Leaf waste (unless composted).
 5. Plastics:
 - a. PET plastics – logo on container
 - b. HDPE plastics – logo on container
- B. At commercial, industrial, institutional, and municipal establishments (including small business establishments):
 1. High grade office paper
 2. Aluminum
 3. Corrugated paper
 4. Leaf waste (unless corrugated)
- C. Food and beverage establishments who are required to be licensed pursuant to Susquehanna Township Code of Ordinances, Chapter 10, §203, must in addition to the items listed in subsection (B), above, also source separate and recycle the following:
 1. Glass
 2. Steel cans

§215. Containers. The authorized Township collector shall provide one (1) recycling container for each residential unit or small business establishment for the co-mingling of recyclable materials. Recycling containers shall be a minimum of twenty (20) gallon capacity and shall be labeled "Susquehanna Township Recycling."

§216. Time When Collection Shall be Made. Collection of recyclable materials shall be performed once per week and shall take place, when possible, on the same day as collection of acceptable solid waste in a given area of the Township.

§217. Handling of Recycling Containers. The contractor shall take reasonable care in handling of recycling containers and shall not willfully break, deface or damage the same. All covers, if provided, will be placed back on the recycling containers when they are returned to the place of collection. All recycling containers broken or destroyed in improper or careless handling by the collector shall be replaced by the collector at his own expense. All recycling containers broken or destroyed by a customer shall be replaced by the customer at his own expense.

§218. Verification Forms. All commercial, institutional, industrial and municipal establishments will be provided verification forms along with instructions for completing those forms (attached as Exhibit "A"). All owners or property that is rented to others for living purposes will also be sent verification forms and instructions (attached as Exhibit "B"). These forms must be completed and returned to the Susquehanna Township Health Department by the date specified on the forms. The purpose of the forms in Exhibit A is to verify the solid waste and recycling program for each commercial, institutional, industrial and municipal establishment located within the territorial limits of Susquehanna Township. The establishments are required to describe their program and list any haulers with which they have contracted for solid waste and recycling pickup. Exhibit A also includes a form to be completed by "small business establishments" if they choose to be registered as such. The purpose of the forms in Exhibit B is to verify the number of dwelling units contained at each rental property. If that number of units is less than four (4) the owner is instructed to sign and return the form entitled "Statement to Claim Residential Status" so that his tenants will be registered under the Township program. If that number of units is four (4) or more the owner is instructed to return the verification for explaining how the solid waste and recycling program will be set up for their tenants and listing any haulers with which they have contracted for pickup of solid waste and recycling.

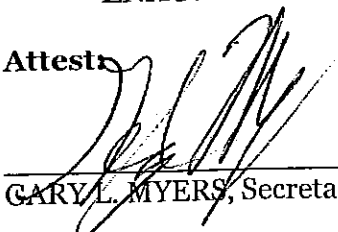
§219. Educational Program. The Susquehanna Township Health Department will be responsible for assuring that all residents and establishments are well informed of this program and the Ordinances that pertain.

SECTION 2. All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they are inconsistent herewith.

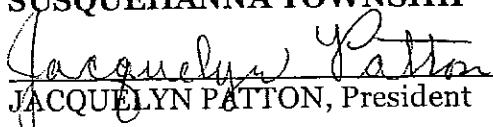
SECTION 3. This Ordinance shall take effect immediately.

ENACTED AND ORDAINED as an Ordinance this 8th day of July, 2004.

Attest:


GARY L. MYERS, Secretary

**BOARD OF COMMISSIONERS OF
SUSQUEHANNA TOWNSHIP**


JACQUELYN PATTON, President