

Chapter 120

SOLID WASTE

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Greater Lebanon Refuse Authority — See Ch. 5, Art. II.
Brush, grass and weeds — See Ch. 50.
Outdoor burning — See Ch. 59.

ARTICLE I

Recycling

[Adopted 4-13-1993 by Ord. No. 95 (Ch. 84, Art. I, of the 1991 Code)]

§ 120-1. Title.

This article shall be known as the "North Londonderry Township Municipal Waste and Recycling Ordinance."

§ 120-2. Purpose.

- A. Act 101 of 1988, an Act of the Commonwealth of Pennsylvania, entitled the "Municipal Waste Planning, Recycling and Waste Reduction Act,"¹ requires municipalities with populations greater than five thousand (5,000) people to implement a curbside collection program for recyclable materials. The purpose of this article is to comply with the provisions of Act 101 and to provide for the health, safety and welfare of the residents of the Township by regulating the collection, storage, transportation, removal, dumping, disposal and recycling of solid waste.
- B. It is the desire of the North Londonderry Township Board of Supervisors to establish a solid waste recycling and solid waste management and reduction program within the Township to better utilize existing and future solid waste disposal facilities and to work toward an efficient, more productive and environmentally sound method of solid waste management.
- C. It is also the purpose to comply with the regulations as set forth by the Greater Lebanon Refuse Authority under the authority granted by Lebanon County Ordinance 15, enacted June 6, 1991, along with any amendments thereto.

§ 120-3. Definitions.

The following words or phrases, when used in this article, shall have the following definitions:

1. Editor's Note: See 53 P.S. § 4000.101 et seq.

ALUMINUM CONTAINERS — All empty aluminum food and beverage containers.

AUTHORIZED COLLECTOR — A person, firm or corporation licensed or contracted by North Londonderry Township to handle municipal solid waste and recyclables in accordance with the provisions of this article.

BIMETAL CONTAINERS — All empty food or beverage containers consisting of a combination of ferrous metals and aluminum.

BULKY WASTE — Items of solid waste which, due to their size, shape or weight, cannot be collected as a part of the normal weekly municipal waste collection and, therefore, require special handling.

COMMERCIAL ESTABLISHMENT — Properties which are used primarily for commercial and/or industrial purposes, and those multiple-dwelling residential buildings containing more than four (4) dwelling units.

COMMUNITY EVENT — Events sponsored in whole or in part by a mandated municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by two hundred (200) or more individuals per day. [Added 12-16-2013 by Ord. No. 170]

CONSTRUCTION AND DEMOLITION WASTE — Lumber, roofing materials, sheathing, rubble, broken concrete, macadam, plaster, brick, conduit, pipe, insulation and other material which results from a construction, demolition or remodeling project.

CONTRACT or LICENSING AGREEMENT — An agreement between the Township and any person or trash hauler wishing to collect municipal solid waste and recyclable materials within the Township which sets forth specific rules and regulations regarding the collection of the refuse and recyclable materials.

CORRUGATED CARDBOARD — Paper boxes constructed in a corrugated manner and used as containers for business and consumer applications.

DWELLING UNIT — Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

EXCLUSIVE CONTRACT — An agreement entered into by the Township with a private person or corporation for the collection and disposal of all municipal waste and/or recyclables within the Township to the extent provided by this article and the agreement.

FERROUS CONTAINERS — Empty steel or tin food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass, porcelain and ceramic products.

GRASS CLIPPINGS — Blades of lawn grass that have been cut by mowing and gathered for disposal.

INSTITUTIONAL ESTABLISHMENTS — Facilities that house or serve groups of people, such as hospitals, schools, nursing homes, etc.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings. [Added 12-15-2008 by Ord. No. 148]

MAGAZINES and PERIODICALS — A publication that is issued periodically and is generally bound with a shiny cover and often utilizes a shiny surface paper for its articles, photographs, etc. These publications are published at fixed or varying intervals other than daily.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom waste, office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; all solid waste which is within the definition of "municipal waste" as set forth in Section 103 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988.²

NEWSPAPERS — Paper of the type commonly referred to as "newsprint." Expressly excluded are newspapers that have been soiled.

NORTH LONDONDERRY TOWNSHIP MUNICIPAL WASTE AND RECYCLING RULES AND REGULATIONS — The rules and regulations governing municipal solid waste and recycling in North Londonderry Township as established by the North Londonderry Township Board of Supervisors and adopted by resolution of the Township.

PERSON(S) — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of specific rights and duties.

PLASTIC CONTAINERS — Empty plastic food and beverage containers of either Type 1 through 7 as designated on the container. [Added 12-16-2013 by Ord. No. 170]

RECYCLABLES or RECYCLABLE MATERIALS — Materials as specified by this article which are to be collected separately from other solid waste for the purpose of reusing the materials and to reduce the amount of solid waste entering the conventional solid waste stream.

RESIDENCE — Any occupied single-family or multifamily dwelling having up to four (4) dwelling units per structure. (Also see "dwelling unit.")

RESIDENTIAL MUNICIPAL WASTE — Municipal solid waste generated from a dwelling unit.

RESIDUAL WASTE — Any garbage, refuse, discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, mining or agricultural operations, and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous.

SOLID WASTE — Any waste, including but not limited to municipal, residual or hazardous waste, including solid, semisolid or contained gaseous materials.

2. Editor's Note: See 53 P.S. § 4000.103.

TOWNSHIP — The governmental jurisdiction and legal entity of North Londonderry Township, Lebanon County, Pennsylvania.

TRASH HAULER — A commercial establishment which collects refuse from a residence or commercial establishment on a regular basis for a fee.

YARD WASTE — Weeds, garden wastes and prunings, excluding tree limbs and twigs in excess of one-quarter (1/4) inch in diameter.

§ 120-4. Establishment. [Amended 12-15-2008 by Ord. No. 148; amended 12-16-2013 by Ord. No. 170]

- A. Mandatory recycling is hereby established and required of all residential properties and commercial, industrial, and institutional establishments within the boundaries of North Londonderry Township. All properties within the Township are hereby required to separate recyclable materials from their trash. Recyclable materials shall be collected separate from other refuse, and such recyclable materials shall be designated as set forth in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations which shall be promulgated and amended by resolution of the Township.
- B. Owners and occupants of all commercial, municipal, and institutional establishments as well as organizers of community events will be required to separate the following recyclables:
 - (1) Corrugated cardboard.
 - (2) Office paper.
 - (3) Aluminum cans.
- C. For multifamily dwellings, all recyclables, which are required to be kept separate from municipal waste in residential properties, shall be picked up by a private hauler separately from municipal waste in a prearranged manner for the exclusive purpose of recycling.
- D. The owner, landlord or agent or, when appropriate, the board of directors, of every multifamily dwelling 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 article governing separation and/or placement for removal of recyclables in multifamily dwellings. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and placement for removal of recyclables generated by the residents of such properties.
- E. The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.
- F. Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to multifamily dwellings shall not be liable for the noncompliance of occupants of their building.

§ 120-5. Community events recycling. [Added 12-16-2013 by Ord. No. 170³]

Community events or activities attracting two hundred (200) or more individuals per day will be required at a minimum to recycle the designated recyclable materials as per this article.

§ 120-6. Storage.

It shall be the duty of every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector and to ensure the sanitary and legal disposal of such waste in accordance with this article, the North Londonderry Township Municipal Waste and Recycling Rules and Regulations and all other Township, state and federal applicable laws and regulations.

§ 120-7. Collection by authorized persons.

- A. It shall be unlawful for any person or corporation, other than persons or corporations authorized by license or contract by the Township, to collect and/or transport solid waste of any nature as a regular hauling business within or from the Township. If the Township enters into an exclusive contract for the collection of residential municipal waste in the Township, said contractor shall be required to collect municipal waste in the Township exclusive of other private haulers and collectors, subject to exceptions to the exclusive Township contract. The Township shall not issue a license to any private hauler or collector for the collection of residential municipal waste other than the hauler or collector having the exclusive contract with the Township. Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the Township through the issuance of a contract or license. All applicants for licensing shall be reviewed by the Township and shall be approved in accordance with the provisions of the North Londonderry Township Municipal Waste and Recycling Rules and Regulations.
- B. From the time of placement of recyclable items at the curb or designated location as authorized by the Township, the recyclable items shall become the property of the authorized collector. It shall be a violation of this section for unauthorized persons to collect, pick up or cause to be collected or picked up any such items. Any and each collection in violation hereof from one (1) or more locations shall constitute a separate and distinct offense punishable as provided herein.

§ 120-8. Unlawful disposal.

Upon and after the effective date of this article, it shall be unlawful for any person or persons to dispose of any recyclable item, as designated in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations, commingled with other solid waste not required to be recycled or to dispose of such items in other places that will not ensure that items are recycled, unless the material is so contaminated that it is unacceptable for recycling.

3. Editor's Note: This ordinance also provided for the renumbering of former §§ 120-5 through 120-7 as §§ 120-6 through 120-8.

§ 120-9. Reporting. [Added 12-16-2013 by Ord. No. 170⁴]

Every residential, commercial, municipal, institutional, multifamily housing unit, and community event sponsor shall complete a form to be designated "recycling report," to be provided to the municipality, which shall indicate where the property's recyclable materials were delivered. Such report shall set forth the name and address of the owner, landlord or agent, the address of the property to which the report pertains, the name and address of the collector or hauler who regularly services the property, and information on the type and amount of each material recycled.

§ 120-10. Administration.

The North Londonderry Township Board of Supervisors shall establish, promulgate, change or amend the North Londonderry Township Municipal Waste and Recycling Rules and Regulations in accordance with the terms hereof, along with any other matters required to implement this article. The Township may change, modify, repeal or amend any portion of the North Londonderry Township Municipal Waste and Recycling Rules and Regulations by a resolution of the Township at any time.

§ 120-11. Enforcement.

North Londonderry Township police are hereby charged with the enforcement of this article along with the rules and regulations promulgated in the North Londonderry Township Municipal Waste and Recycling Rules and Regulations.

§ 120-12. Franchise or license.

The Township reserves the right to, at any time, enter into an exclusive agreement with any public or private agency or firm to authorize it to collect all or part of the recyclable materials within North Londonderry Township.

§ 120-13. Alternative collection.

Any person may donate or sell recyclable materials to any individual or organization authorized by the Township. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by such individual or organization. A list of approved individuals or organizations shall be posted in the Township office.

§ 120-14. Disposal.

Recyclable material removed from the Township shall be processed at an approved processing facility and may not be discarded in the Greater Lebanon Refuse Authority landfill unless specifically approved, in writing, by the Greater Lebanon Refuse Authority. The Township shall be notified, in writing, of every such incident.

§ 120-15. Violations and penalties.

4. Editor's Note: This ordinance also provided for the renumbering of former §§ 120-8 through 120-13 as §§ 120-10 through 120-15.

- A. This article and any rules and regulations promulgated pursuant thereto shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article or any rules or regulations promulgated pursuant thereto shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article or any rules or regulations promulgated pursuant thereto that are violated shall also constitute a separate offense. [Amended 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]
- B. In addition to the foregoing penalty, the Township may require any person to remove any accumulation of solid waste, and should said person fail to remove such solid waste within five (5) days following receipt of a written notice, the Township may cause the solid waste to be collected and disposed of, with the cost for such action to be charged to the owner or occupant of the property in a manner as provided by law.