

Chapter 20

Solid Waste and Recycling

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Part 1**Solid Waste****§20-101. Title.**

This Part shall be known and may be cited to the “Solid Waste Ordinance.”
(*Ord. 370*, 10/14/1992; as amended by A.O.)

§20-102. Definitions.¹

The following words and phrases as used in this Part shall have the meanings ascribed herein, unless the context clearly indicates a different meaning:

Act 97—the Pennsylvania Solid Waste Management Act of 1980, (P.L. 380, No. 97, July 7, 1980) 35 P.S. §6018.101 *et seq.* [A.O.]

Agricultural waste—poultry and livestock manure or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.

Approved containers—those containers for storage of municipal waste which comply with the requirements of §20-104.3 of this Part and are otherwise acceptable to the Township or its designated representatives. [A.O.]

Bulky waste—large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.

Commercial establishment—any establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Construction demolition waste—all municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

Department of Environmental Protection (DEP)—the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency thereto. [A.O.]

Disposal—the incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste, or a constituent of the solid waste, enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

¹Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

Domestic waste or household waste—solid waste, comprised of garbage or rubbish, which normally originates in the residential private household or apartment house. The term does not include source-separated recyclable materials as defined hereinafter and as specifically identified and provided in the Recycling Ordinance [Chapter 20, Part 2]. [A.O.]

Garbage—any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

Hauler or private collector—any person, firm, copartnership, association or corporation who or which has been licensed by the Township or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.

Hazardous waste—any solid waste or combination of solid wastes, as defined in Act 97, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may: [A.O.]

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Industrial establishment—any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional establishment—any establishment engaged in service including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

Lead acid batteries—includes, but is not limited to, automotive, truck, and industrial batteries which contain lead. [A.O.]

Moon Township Municipal Authority (MTMA)—the Moon Township Municipal Authority or any successor entity thereto. [A.O.]

MTMA Manager—the General Manager of the MTMA duly appointed by the MTMA Board of Directors, his authorized designee and/or the authorized designee of the MTMA Board of Directors. [A.O.]

Municipal waste—garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid 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 under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials as defined hereinafter and as identified in the Recycling Ordinance [Chapter 20, Part 2]. [A.O.]

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

facilities. [A.O.]

Refuse—all solid waste materials which are discarded or abandoned as useless or unwanted. [A.O.]

Residual waste—any garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid 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 such material is not hazardous. The term “residual waste” shall not include coal refuse as defined in the Coal Refuse Disposal Control Act, 52 P.S. §30.51 *et seq.* “Residual waste” shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is effected pursuant to, and in compliance with, a valid permit issued pursuant to the Pennsylvania Clean Streams Law, 35 P.S. §691.1 *et seq.* The term does not include source-separated recyclable materials as defined hereinafter and as identified in the Recycling Ordinance [Chapter 20, Part 2]. [A.O.]

Rubbish—all nonputrescible municipal waste, except garbage and other decomposable matter. This term “rubbish” includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings. The term does not include source-separated recyclable materials as defined hereafter and as identified in the Recycling Ordinance [Chapter 20, Part 2]. [A.O.]

Scavenging—the unauthorized removal of material placed for collection or from a solid waste processing or disposal facility. [A.O.]

Sewage treatment residues—any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

Solid waste—any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous material.

Source-separated recyclable materials—those materials separated at the point of origin for the purpose of being recycled.

Storage—the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste for a period exceeding 180 days constitutes disposal, subject to the provisions of the definition of “disposal” as set forth herein above. This presumption may be overcome by clear and convincing evidence to the contrary. [A.O.]

Transportation—the off-site removal of any solid waste at any time after generation.

Transfer station—any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

(Ord. 370, 10/14/1992; as amended by A.O.)

§20-103. Prohibited Activities.

Except to the extent the activities described below are conducted pursuant to the provisions of this Part or any DEP rules and regulations adopted pursuant to Act 97,

or any ACHD rules and regulations under Article VIII of the ACHD regulations, it shall be unlawful for any person: [A.O.]

A. To accumulate or permit to accumulate upon any public or private property within the Township any garbage, rubbish, refuse, bulky waste or any other municipal waste or residual waste. The prohibition shall not be applied to residents who elect to compost grain, fruit or vegetable matter which originates from their respective residences provided that the composting is done in a manner so as not to create an odor or nuisance to adjacent properties and complies with the Composting Ordinance [Chapter 20, Part 3]. [A.O.]

B. To burn any solid waste within the Township. [A.O.]

C. To dispose of any solid waste in the Township. [A.O.]

D. To haul, transport, collect or remove any solid waste from public or private property within the Township without first securing a license to do so in accordance with the provisions of this Part.

E. To scavenge any materials from any solid waste that is stored or deposited for collection within the Township without prior written approval from the owner thereof and from the MTMA Manager. [A.O.]

F. To salvage or reclaim any solid waste within the Township. [A.O.]

G. To throw, place or deposit, or to cause or permit to be thrown, placed or deposited, any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Township except as provided in this Part. [A.O.]

H. To dispose of lead acid batteries, agricultural waste, hazardous waste, construction demolition waste, paving materials, cement, stones, sand, dirt, sod, concrete, concrete washtubs, ashes (e.g., from wood or coal burning stoves), sewer pipe, automobile parts (except tires without wheels), flammable liquids and/or 55 gallon metal drums (except owned by the Township) in or with waste allowed for collection hereunder. If a person so disposes of such items and/or materials it shall be deemed a public nuisance as well as a violation hereunder. [A.O.]

(Ord. 370, 10/14/1992; as amended by A.O.)

§20-104. Storage.

1. All solid waste shall be stored so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health, or which create, or might reasonably be expected to create, safety hazards, odors, unsightliness or public nuisances. [A.O.]

2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials in such approved containers, except as may otherwise be provided for herein. [A.O.]

3. *Standards.*

A. Any person storing municipal waste for collection shall comply with the following preparation standards:

(1) All municipal waste shall be drained free of liquids before being placed

in approved containers. [A.O.]

(2) All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

(3) Food containers should be rinsed free of food particles and drained before being placed in approved containers. [A.O.]

(4) Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than 4 feet in length, not more than 2 feet in diameter and not more than 40 pounds in weight.

(5) Newspapers and/or magazines (if not designated as recyclable material in the Recycling Ordinance [Chapter 20, Part 20]) shall be placed in approved containers or shall be tied securely into bundles of not more than 40 pounds in weight. [A.O.]

(6) Bags or containers of garbage should not be set at curbside by residents more than 12 hours prior to their expected collection time by the contractor. [Ord. 414]

(7) Carpet and/or carpet padding shall be placed in a closed approved container or must be cut in lengths not exceeding 4 feet and securely tied. [A.O.]

B. When specified by the Township or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

4. It shall be unlawful for any person to store municipal waste outside of an enclosed building in other than approved containers. Approved containers utilized for storage of municipal waste shall comply with the following standards: [A.O.]

A. Reusable containers shall be constructed of durable, watertight, rust- and corrosion-resistant material, such as plastic, metal or fiberglass, in such a manner as to be leakproof, weatherproof, insect proof, animal proof and rodent proof. [A.O.]

B. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

C. Reusable containers for individual residences shall have a capacity of not less than 10 gallons nor more than 40 gallons, and a loaded weight of not more than 40 pounds.

D. Disposable plastic bags or sacks are acceptable containers for all municipal waste except garbage, provided that the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection and shall have a capacity of not more than 30 gallons and a loaded weight of not more than 35 pounds. [A.O.]

E. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

5. Any person storing municipal waste for collection shall comply with the following storage standards:

A. Containers shall be kept tightly sealed or covered at all times. Solid waste

shall not protrude or extend above the top of the container.

B. Reusable containers shall be kept in a sanitary condition at all times. The interior of the container shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.

C. Containers shall be used and maintained so as to prevent public nuisances.

D. Containers that do not conform to the standard of this Part or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Township or its designated representative.

E. Containers shall be placed by the owner or customer at a collection point specified by the Township or its designated representative.

F. With the exception of pickup days when the containers are placed out for collection, the containers shall be properly stored on the owner's or customer's premises at all times.

G. Bulk waste items including, but not limited to, furniture, automobile parts, machinery, appliances and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of insects, animals or rodents, safety hazards and fire hazards. [A.O.]

6. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Part. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler and are subject to approval by the Township.

(*Ord. 370*, 10/14/1992; as amended by *Ord. 414*, 4/13/1994, §172-21; and by A.O.)

§20-105. Collection.

1. The Moon Township Municipal Authority (MTMA) shall be the designated representative of the Township for the purpose of providing for the collection of all garbage, rubbish and bulky waste from individual residences and multi-family residential sources with fewer than four units. The MTMA may contract with a private collector or collectors to provide this essential residential collection service. [A.O.]

2. All households and homeowners shall utilize the residential collection service provided by the MTMA unless they can demonstrate that they have made alternate arrangements that are consistent with this Part and approved by the Township. [A.O.]

3. All multi-family residential sources [with more than four units], commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the MTMA's collector or any other properly licensed waste hauler of their choice. [A.O.]

4. All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with the MTMA's collector and payment of any required special fees. [A.O.]

5. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, insects,

animals, unsightly conditions and nuisances. The Township reserves the right to require more frequent collection when deemed necessary. [A.O.]

6. Residential collection schedules shall be published regularly by the MTMA or its contracted hauler. [A.O.]

7. All solid waste collection activity shall be conducted from Monday through Friday between the hours of 7 a.m. and 11 p.m. or on Saturdays between the hours of 7 a.m. and 7 p.m., unless prior approval or any exception has been granted by the Township. No collection, hauling or transporting of solid waste shall be permitted on Sunday.

8. All licensed haulers and haulers under contract with the MTMA shall comply with the following standards and regulations: [A.O.]

A. All municipal waste collected within the Township shall ultimately be disposed only at a landfill cited and approved in the Allegheny County Solid Waste Plan of 1990, or in subsequent revisions thereto. [A.O.]

B. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and with any DEP regulations adopted pursuant to Act 97, and must be licensed by the Allegheny County Health Department. [A.O.]

C. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

D. Collection vehicles for rubbish and other nonputrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

F. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 370, 10/14/1992; as amended by A.O.)

§20-106. Fees and Charges.

1. The Board of Supervisors shall be authorized to make funds available, in accordance with the laws and procedures of the Township, for the establishment, maintenance and operation of a municipal solid waste collection and disposal system or for the contracting of such service to a private collector.

2. The MTMA Board of Directors may, by resolution adopted from time to time, impose a service charge and other fees on each separate unit within the Township for the services provided by the MTMA under this Part. Fee schedules (if appropriate) shall be published by the MTMA on any competitively bid residential collection service contract that may be awarded.

3. The MTMA shall be responsible for the collection of any fees for solid waste collection and disposal from residential customers. Licensed haulers shall be responsible for the collection of fees from commercial, institutional and industrial customers from which the hauler made private arrangements for collection.

(*Ord. 370, 10/14/1992; as amended by A.O.*)

§20-107. Appeals.

1. All appeals shall be made in writing to the MTMA Board of Directors.
2. Pending a reversal or modification, all decisions of the MTMA Board of Directors shall remain effective and enforceable.
3. Appeals may be made by the following persons. Any person who is aggrieved by a new standard or regulation issued by the MTMA may appeal within 10 days after the MTMA gives notice of its intention to issue the new standard or regulation.
4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the MTMA Board of Directors shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(*Ord. 370, 10/14/1992; as amended by A.O.*)

§20-108. Injunction Powers.

The Township may petition the Allegheny County Common Pleas Court for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Part. (*Ord. 370, 10/14/1992; as amended by Ord. 414, 4/13/1994, §172-25; and by A.O.*)

§20-109. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(*Ord. 370, 10/14/1992; as amended by Ord. 449, 6/19/1996; by Ord. 460, 4/9/1997; and by A.O.*)

Part 2**Recycling****§20-201. Title.**

This Part shall be known and may be cited as the “Recycling Ordinance.”
(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-202. Definitions.²

All definitions listed in §20-102 of the Solid Waste Ordinance [Chapter 20, Part 1] are hereby incorporated by reference into this Part and give the same meaning. The following words and phrases as used in this Part shall have the following meanings unless the context clearly indicates a different meaning: [A.O.]

Act 101—the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 *et seq.*

Aluminum containers—empty all-aluminum beverage or food containers.

Bi-metal containers—empty food or beverage containers consisting of steel, aluminum and/or tin.

Collector—the entity or entities authorized by the MTMA to collect designated recyclable materials from residences and other properties, or authorized by multi-family housing properties, commercial, municipal and institutional establishments and community activities that do not receive collection services from the MTMA to collect designated recyclable materials from those properties. [A.O.]

Commercial establishments—those properties used primarily for commercial or industrial purposes.

Community activities—events that are sponsored by public or private entities or individuals including, but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day. [A.O.]

Corrugated paper—structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Glass containers—bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

High-grade office paper—all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments, community activities and residences. [A.O.]

Institutional establishments—those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day-care centers, airports, schools and universities.

²Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

Leaf waste—leaves, cuttings, trimmings and clippings from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

Leaf waste regulations—the regulations adopted from time to time by resolution of the Board of Supervisors pursuant to the requirements of this Part for the administration and enforcement of the collection of leaf waste within the Township. [A.O.]

Multi-family housing properties—any residential property having four or more dwelling units per structure.

Municipal establishment—public facilities operated by the Township, the MTMA and other governmental and quasi-governmental entities. [A.O.]

Municipal waste—any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residences, multi-family housing properties, municipal, commercial or institutional establishments and community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include recyclable materials designated by the MTMA pursuant to this Part. [A.O.]

Newspapers—paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white.

Person(s)—owners, lessees and occupants of residences, multi-family housing properties, commercial, municipal and institutional establishments and the sponsors of community activities.

Plastic containers—empty plastic food and beverage containers. Due to the wide variety of types of plastics, the MTMA may stipulate specific types of plastic which may be recycled. [A.O.]

Recyclable materials—materials generated by residences, multi-family housing properties, commercial, municipal and institutional establishments and community activities which are designated by the MTMA pursuant to this Part and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials designated by the MTMA may include, but are not limited to, clear glass containers, colored glass containers, aluminum containers, steel and bimetal containers, high-grade office paper, newspapers, corrugated paper, leaf waste, plastic containers and any other items selected by the MTMA or specified in future revisions to Act 101. The recyclable materials designated by the MTMA may be revised from time to time as deemed necessary by the MTMA Board of Directors through the recycling regulations. [A.O.]

Recycling—the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanized separation and treatment of

municipal waste (other than through combustion) and creation and recovery of reusable materials.

Recycling regulations—the regulations adopted from time to time by resolution of the MTMA Board of Directors pursuant to the requirements of this Part for the administration and enforcement of the collection of recyclable materials within the Township. [A.O.]

Residences—any occupied single-family or multi-family dwellings having fewer than four dwelling units per structure for which the MTMA or its designee provides municipal waste collection service. [A.O.]

Waste—a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include recyclable materials designated by the MTMA or materials approved by the DEP for beneficial use. [A.O.]

(Ord. 338, 7/11/1990; as amended by A.O.)

§20-203. Program Establishment.

1. The Township hereby establishes a recycling program for the mandatory separation and collection of designated recyclable materials and the separation, collection and composting of leaf waste from all residences, multi-family housing properties, commercial, municipal and institutional establishments and community activities located in the Township.

2. The Moon Township Municipal Authority (MTMA) shall be the designated representative of the Township for providing for the collection of designated recyclable materials from all residences in the Township. The MTMA may contract with a private collector or collectors to provide this essential residential collection service. [A.O.]

3. Collection of designated recyclable materials shall be made at least once per month by the MTMA, its designated agents and any other municipal waste collectors operating in the Township and authorized to collect designated recyclable materials from multi-family housing properties, commercial, municipal and institutional establishments and community activities. [A.O.]

4. The recycling program shall also contain a sustained public information and education program.

(Ord. 338, 7/11/1990; as amended by A.O.)

§20-204. Rules and Regulations.

Specific recycling program rules and regulations may be adopted from time to time by resolution of the MTMA Board of Directors and, upon said adoption, shall be incorporated herein as part of this Part. The MTMA is empowered to make changes to the recycling regulations as necessary, as described in §20-211.1, upon approval of the MTMA Board of Directors and public notice and notification of all affected parties.

(Ord. 338, 7/11/1990; as amended by A.O.)

§20-205. Source Separation Required.

All persons in the Township shall separate all recyclable materials designated by the MTMA in the recycling regulations from all other municipal waste, and store such

materials for collection, and shall place the same for collection in accordance with the guidelines in this Part and the recycling regulations. [A.O.]

A. *Residences.*

(1) *Separation.* All persons residing in residences must separate recyclable materials designated in the recycling regulations from other municipal waste. These designated recyclable materials shall be placed at curbside in the containers provided or designated by the MTMA for collection. Collection shall occur on the same day of the week as the resident's normal collection day for municipal solid waste as set from time to time by the MTMA. With the exception of collection days when the containers are placed out for collection, the containers shall be properly stored on the owner's or customer's premises at all times.

(2) *Containers.* The MTMA shall provide the occupants of each dwelling unit from which the MTMA provides collection services with one container, duly numbered to the extent necessary and appropriate for identification purposes, and designated as a container for the sole purpose of storing recyclable materials. The container shall remain the property of the MTMA. Any occupant of a residence who moves within or from the Township shall be responsible for returning the recycling container(s) to the MTMA. Replacement cost of containers will be specified by resolution of the MTMA Board of Directors. Use of recycling containers for any purpose other than the recycling provisions of this Part and amendments hereto, or use of recycling containers by any person other than the occupants of the residence allocated each such container or intentional damage or destruction of such container shall be a violation of this Part.

[A.O.]

B. *Multi-family Housing Property.*

(1) An owner, landlord or agent of an owner or landlord of a multi-family housing property with the Township shall comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials designated in the recycling regulations, easily accessible locations for the recycling 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 noncompliance of occupants of their buildings. [A.O.]

(2) If designated recyclable materials are collected by a collector other than the MTMA or its authorized agents, the owners, landlords and agents of owners or landlords of multi-family housing properties shall submit an annual report to the MTMA reporting the tonnage of materials recycled during the previous year in the form, time and manner specified in the recycling regulations. [A.O.]

C. *Commercial, Municipal and Institutional Establishments.*

(1) Persons must separate high-grade office paper, aluminum containers and corrugated paper and such other recyclable materials as may be designated in the recycling regulations generated at commercial, municipal and

institutional establishments and community activities and store the designated recyclable materials until collection. A person may be exempted from this subsection if that person submits documentation to the MTMA annually in the form, time and manner specified in the recycling regulations indicating that the designated recyclable materials are being recycled in an appropriate manner. [A.O.]

(2) If designated recyclable materials are collected by a collector other than the MTMA or its authorized agents, occupants of commercial, municipal and institutional establishments and the sponsors of community activities shall submit an annual report to the MTMA reporting the tonnage of materials recycled during the previous year, in a form, time and manner specified in the recycling regulations. [A.O.]

D. All persons must separate leaf waste from other municipal waste generated at residences, multi-family housing properties, commercial, municipal and institutional establishments and community activities for collection as required by the leaf waste regulations, unless those persons have otherwise provided for composting of leaf waste.

(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-206. Ownership of Materials.

All designated recyclable materials placed by persons for collection by the Township, the MTMA or collectors authorized pursuant to this Part shall, from time of placement at curbside, become the property of the Township, the MTMA or the authorized collector, whichever is responsible for the collection of the specific recyclable material under this Part as the case may be, except as otherwise provided by §20-208 of this Part. Nothing in this Part shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-207. Unauthorized Collection.

It shall be a violation of this Part for any person, other than the Township, the MTMA or collectors authorized to collect designated recyclable materials pursuant to this Part, to collect designated recyclable materials placed at residences, multi-family housing properties, commercial, municipal and institutional establishments and community activities for collection by the Township, the MTMA or an authorized collector unless such person has prior written permission to make such collection from the owner and from the MTMA Manager related to recyclable materials and the Township Manager for leaf waste. Each unauthorized collection from each property on each day shall constitute a separate and distinct offense punishable as hereinafter provided.

(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-208. Existing Recycling Operations.

Any residence, multi-family housing property, commercial, municipal or institutional establishment or community activity may donate or sell designated

recyclable materials to any person, firm or corporation, whether operating for profit or not, engaged in the business of recycling on or before September 26, 1988, provided that the receiving person, firm or corporation shall not collect such recyclable materials from the collection point of a residence, multi-family housing property, commercial, municipal or institutional establishment or community activity without prior written notification to and written consent from the MTMA Manager.

(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-209. Failure to Recycle.

Disposal by persons of designated recyclable materials with municipal waste is prohibited and shall be a violation of this Part. The collected designated recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials generated from properties in the Township is prohibited in landfills, or to be burned in incinerators.

(*Ord. 338, 7/11/1990; as amended by Ord. 356, 7/10/1991; and by A.O.*)

§20-210. Collection Agreements.

The MTMA may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the designated recyclable materials other than leaf waste from curbside. The Township may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the leaf waste generated in the Township.

(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-211. Enforcement and Administration.

1. The MTMA Board of Directors is hereby authorized and directed to promulgate and/or amend recycling regulations for the operation and enforcement of this Part as deemed necessary including, but not limited to: [A.O.]

A. Designating recyclable materials to be separated for collection and recycling by residences, multi-family housing properties, commercial, municipal and institutional establishments and community activities. [A.O.]

B. Establishing collection procedures for designated recyclable materials.

C. Establishing reporting procedures for amounts of materials recycled.

D. Establishing procedures for the designation, distribution, monitoring and collection of recyclable containers.

2. The Board of Supervisors shall promulgate separate leaf waste regulations. [A.O.]

3. The Township and the MTMA reserve the right not to collect municipal waste containing designated recyclable materials in combination with nonrecyclable materials. [A.O.]

(*Ord. 338, 7/11/1990; as amended by A.O.*)

§20-212. Fees and Charges.

1. The MTMA may, by resolution adopted from time to time, impose a service

charge and other fees on each separate unit within the Township for the services provided by the MTMA under this Part.

2. The Board of Supervisors may, by resolution adopted from time to time, impose a service charge and other fees on each separate unit within the Township for the services provided by the Township under this Part.

(*Ord. 338, 7/11/1990; as added by A.O.*)

§20-213. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(*Ord. 338, 7/11/1990; as amended by Ord. 414, 4/13/1994, §172-39; by Ord. 449, 6/19/1996; by Ord. 460, 4/9/1997; and by A.O.*)

Part 3**Composting****§20-301. Title.**

This Part shall be known and may be cited as the “Composting Ordinance.”
(*Ord. 308, 4/6/1989; as added by A.O.*)

§20-302. Definition.³

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

Composting—a technique used to accelerate the natural decay process by converting organic waste into a mulch which is used to fertilize and condition soil.
[A.O.]

Nonbiodegradable material—material which cannot be decomposed by the action of natural biological organisms or for which such decomposition is measured in centuries rather than years or decades.

(*Ord. 308, 4/6/1989; as amended by A.O.*)

§20-303. Deposit on Unlicensed Property Prohibited.

It shall be prohibited for any person, natural, corporate or otherwise, to discard any nonbiodegradable material upon property in the Township, whether public or private, unless such property is licensed by the Pennsylvania Department of Environmental Protection as a sanitary disposal facility and is being operated in compliance with all applicable Federal, State, County and Township laws, statutes and regulations.

(*Ord. 308, 4/6/1989; as amended by A.O.*)

§20-304. Composting Restrictions.

1. The composting of organic, biodegradable material shall be permissible only on property being used for residential or educational purposes on the property on which it is generated and stored and when the waste material is being utilized as compost.

2. Compostable materials consist of leaves, grass clippings, plant stalks, vines, weeds, twigs, branches, fruit and vegetable scraps, coffee grounds, eggshells, nutshells, hair clippings, feathers, straw and similar materials.

3. Any composting activity which is being undertaken in accordance with this Part or any other applicable regulations of the Township shall not create a hazard or nuisance for neighboring properties with respect to malodorous odors, unsightly or unhealthy compost piles or composting activities which tend to attract insects, animals, rodents or other vermin.

(*Ord. 308, 4/6/1989; as amended by A.O.*)

³Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

§20-305. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(Ord. 308, 4/6/1989; as amended by Ord. 414, 4/13/1994, §172-17; by Ord. 449, 6/19/1996; by Ord. 460, 4/9/1997; and by A.O.