

CHAPTER 20
SOLID WASTE

PART 1
SOLID WASTE MANAGEMENT PLAN

- § 20-101. Definitions.
- § 20-102. Operation by Licensed Collectors.
- § 20-103. Disposal at Designated Solid Waste Processing or Disposal Facility.
- § 20-104. Regulations.
- § 20-105. Existing Contracts.
- § 20-106. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited: Continuation of Existing Facilities.
- § 20-107. Unlawful Activities; Nuisance.
- § 20-108. (Reserved)
- § 20-109. Revocation of License.
- § 20-110. Injunctions; Concurrent Remedies.
- § 20-111. Intermunicipal Agreement.
- § 20-112. County/LCSWMA Operations and Charges.
- § 20-113. Construction.

PART 2
RECYCLING PROGRAM

- § 20-201. Definitions.
- § 20-202. Mandatory Recycling.
- § 20-203. On-site Collection and Disposal.
- § 20-204. Residential Units.
- § 20-205. Multifamily Units and Nonresidential Units.
- § 20-206. Designated Recyclable Materials.
- § 20-207. General Requirements for Placement and Collection of Regulated Municipal Waste and Designated Recyclable Materials.
- § 20-208. Collector Permit.
- § 20-209. Approved Haulers.
- § 20-210. Illegal Dumping and Open Burning.
- § 20-211. Collection Service Fees.
- § 20-212. Scavenging.
- § 20-213. Unauthorized Collection.

§ 20-214.	Existing Contracts.
§ 20-215.	Authorization of Municipality.
§ 20-216.	Unlawful Activity.
§ 20-217.	Violations and Penalties.
§ 20-218.	Persons Liable.
§ 20-219.	Injunctive Relief.
§ 20-220.	Concurrent Remedies.
§ 20-221.	Prior Ordinances.
§ 20-222.	Severability.
§ 20-223.	When Effective.

PART 1
SOLID WASTE MANAGEMENT PLAN

§ 20-101. Definitions. [Ord. 1-1987, 1/5/1987, § 1]

The following terms shall have the following meanings in this Part 1:

COUNTY — The County of Lancaster.

EXISTING CONTRACT — Any agreement or contract fully executed prior to the effective date of this Part 1 for the collection, disposal or transportation of municipal waste generated within the county.

FACILITY — The waste to energy incinerator to be constructed by or on behalf of LCSWMA pursuant to the plan.

FULL SYSTEM OPERATION or FULLY OPERATIONAL — That date which is 60 days from the date upon which the county and other municipalities representing, in the aggregate, not less than 60% of the population of the county, as determined by the 1980 Decennial Census of the United States, execute the intermunicipal agreement and enact waste flow ordinances.

LCSWMA — The Lancaster County Solid Waste Management Authority, its assigns, its successors in interest, and its predecessor in interest, the Lancaster Area Refuse Authority.

PARTICIPATING MUNICIPALITY — Any municipality which is party to the intermunicipal agreement with the county as described in § 20-111 hereof, and has enacted a waste flow ordinance in substantially the same form as this Part 1.

PERSON — Any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this Part 1 prescribing a fine, penalty, imprisonment or denial or grant of any license, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

PLAN — The municipal waste management plan for the county adopted by the county or municipalities therein and approved by the Pennsylvania Department of Environmental Resources.

POINT OF ENTRY INTO THE SYSTEM — Any delivery site within the system designated by LCSWMA for delivery of regulated municipal waste.

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste or other materials which would otherwise become municipal waste.

REGULATED MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste, and other material including solid or semisolid material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities, and any other solid waste which is within the definition "municipal waste" set forth in § 103 of the Pennsylvania Solid Waste Management Act (SWMA), Act of July 2, 1980, P.L. 380, No. 97 Pa. Stat. Ann. tit. 35 § 6018.103 (Purdon Supp. 1985), and which LCSWMA, the county, or any contractor (Contractor), selected by the county or LCSWMA to construct and/or operate a resource recovery facility or facilities to be located within the municipal boundaries of the county by ordinance or regulation is willing to accept at the facility but excluding (a) any liquid waste or sludge, (b) any waste which is defined by existing or future federal or state law or regulation as hazardous waste or residual waste, (c) infectious waste, pathological waste, or other waste for which treatment or handling requirements different from those normally applicable to municipal waste apply, (d) polychlorinated biphenyls, (e) any waste which may be marketable and which is intentionally segregated for purposes of recycling and (f) materials specifically excluded under applicable County of LCSWMA ordinances, rules or regulations.

SOURCE SEPARATION — The segregation and collection, prior to delivery to a point of entry into the system, of materials for the sole purpose of recycling.

SYSTEM — The overall solid waste management and disposal system and every aspect thereof owned or operated by or on behalf of LCSWMA, including, without limitation, equipment, transfer stations, resource recovery facilities, and landfills, owned or operated, or to be acquired, constructed or operated by LCSWMA or any agent, designee or contractor thereof in implementation of the Plan.

TRANSFER FACILITY — Any solid waste facility which is now or hereafter may be established by LCSWMA or the county for the purpose of accepting solid waste for processing and economical consolidation for subsequent delivery to the facility or other solid waste disposal site.

All other words and phrases shall have the same meanings as set forth in the Pennsylvania Solid Waste Management Act, Act of July 7, 1980, P.O. 380, No. 97, Pa. Stat. Ann. tit. 35 § 6018.101 et seq., (Purdon Supp. 1985) as it may hereinafter be amended or supplemented by legislation regarding municipal waste planning.

§ 20-102. Operation by Licensed Collectors. [Ord. 1-1987, 1/5/1987, § 2]

1. **Licensing.** No person who is not duly licensed by LCSWMA to deliver waste to the county system may collect or transport municipal waste located or

generated within this municipality. This prohibition shall become effective 120 days from the effective date of this section of this Part 1.

2. Compliance with Rules, Regulations and Ordinances. In carrying on activities related to solid waste collection or transportation within this municipality, all municipal waste collectors and all municipal waste transporters shall comply with all rules, regulations and ordinances pertaining to the collection, transportation and disposal of solid waste as may be hereinafter enacted by this municipality or by the county pursuant to a parallel County waste flow ordinance and all rules and regulations enacted by LCSWMA pursuant to authority given it under Pa. Stat. Ann. tit. 35, § 315 (Purdon 1974 and Purdon Supp. 1985), as hereafter amended.

§ 20-103. Disposal at Designated Solid Waste Processing or Disposal Facility. [Ord. 1-1987, 1/5/1987, § 3]

1. Delivery to LCSWMA/County Sites. All municipal waste collectors and transporters shall deliver and dispose of all regulated municipal waste collected or generated within the county at a transfer station or disposal facility owned and operated by or on behalf of LCSWMA, subject to such reasonable regulations for the operation thereof as may be established by the County of LCSWMA.
2. Disposal at Other Sites. Disposal of regulated municipal waste collected or generated within the county may occur at other sites only as permitted by rule, regulation, ordinance or order duly issued by the county or by the written agreement of the county, LCSWMA and the participating municipality within which the waste is generated. Disposal of regulated municipal waste at an existing facility from sources reflected on the notice of the county, LCSWMA and the host municipality as provided in § 20-106.3 of this Part 1 shall be permitted.
3. Recycling. Nothing herein shall be deemed to prohibit source separation or recycling or to affect any sites at which source separation or recycling may take place.

§ 20-104. Regulations. [Ord. 1-1987, 1/5/1987, § 4]

1. Compliance with County and LCSWMA Regulations. The collection, transportation and disposal of municipal waste present or generated within the county shall be subject to such time be adopted by the county Board of Commissioners and such rules and regulations as may be adopted by LCSWMA pursuant to Pa. Stat. Ann. tit. 53, § 314 (Purdon 1974 and Purdon Supp. 1985), as hereafter amended. Said rules and regulations shall include, without limitation, regulations governing applications and standards for licensing, fees to be charged for such licensing, the terms of licenses, procedures, record-keeping, transportation routes and other matters deemed convenient or necessary.

2. Consistency of Regulations with Ordinance and Other Laws. No rules or regulations adopted pursuant to this Part 1 shall be contrary to or less stringent than the provisions of this Part 1, the Plan, any applicable waste flow ordinance adopted by a participating municipality, the Pennsylvania Solid Waste Management Act or regulations adopted thereunder, or such other laws, regulations or requirements as may be enacted by the commonwealth, the Department of Environmental Resources or the Environmental Quality Board governing municipal waste planning, collection, storage, transportation, processing or disposal.
3. Time for Initial Adoption of Rules and Regulations. Initial rules and regulations shall be promulgated hereunder no later than 90 days after the effective date of this section of this Part 1.

§ 20-105. Existing Contracts. [Ord. 1-1987, 1/5/1987, § 5]

1. Noninterference with Existing Contracts. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for municipal waste collection, transportation, processing or disposal shall be entered into after the effective date of this Part 1, unless such renewal or such contract shall conform to the requirements of this Part 1, the county waste flow ordinance, rules and regulations promulgated thereunder, and the terms of licenses issued thereunder.

§ 20-106. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited: Continuation of Existing Facilities. [Ord. 1-1987, 1/5/1987, § 6]

1. Prohibition of Private Waste Processing and Disposal Facilities. No person other than LCSWMA, the United States of America, the Commonwealth of Pennsylvania, a county, a municipality, an authority created by the foregoing, or a person acting on behalf of the foregoing shall use or permit to be used any property owned or occupied by that person within the municipality as a municipal waste processing or disposal facility, either for municipal waste generated within the municipality or elsewhere, without the express written approval of the municipality, the county and LARA.
2. Recycling. The prohibition set forth in § 20-106.1 of this Part 1 shall not interfere with the operation of any program for recycling.
3. Existing Facilities. The prohibition set forth in § 20-106.1 of this Part 1 shall not interfere with the operation of any privately or publicly owned solid waste facility which has been issued a solid waste permit before the effective date of this Part 1, provided:
 - A. The owner or operator of the facility provided written notice to the county and the municipality of the facility number, address, ownership and existing sources of waste no later than 60 days after the effective date of this Part 1;

- B. The facility accepts regulated municipal waste from no sources within the county other than those then authorized by the facility's solid waste permit and then being accepted, as reflected on the notice provided the county and municipality pursuant to this section; and
- C. The facility shall not be expanded in capacity, with the exception of facilities owned or operated by or on behalf of another county, which facilities may expand if such expansion is consistent with a DER approved municipal waste management plan.
- D. Notices under this Part 1 shall be submitted to _____ on behalf of the municipality. the county may by resolution designate LCSWMA or another such expansion is inconsistent with DER approved municipal waste management plan. Nothing herein should be deemed consent by the county to the utilization by another county of a site or facility within the county for purposes of obtaining DER approval of said county's municipal waste management plan.
- E. The county or host municipality may designate LCSWMA or another authority or agency as the entity which will receive notice pursuant to this section. Such designation shall occur on or before the effective date of this Part 1.

§ 20-107. Unlawful Activities; Nuisance. [Ord. 1-1987, 1/5/1987, § 7]

- 1. Unlawful Conduct. It shall be unlawful for any person to.
 - A. Accumulate or cause to be accumulated municipal waste in an amount greater than 20 tons, other than waste which has been source separated for the purpose of recycling;
 - B. Violate, cause or assist in the violation of any provision of this Part 1, any rule, regulation or order promulgated hereunder, or any rule, regulation or order promulgated by the county consistent with this Part 1.
 - C. Process, treat, transfer or dispose of or cause to be processed, treated, transferred or disposed regulated municipal waste generated within the county at any solid waste factory other than a solid waste facility as permitted by § 20-106.3 of this Part 1, without the express written consent of the municipality within which the facility is located, the county and LSCWMA;
 - D. Collect municipal waste present or generated within the county without a valid license for disposal issued by LCSWMA;
 - E. Hinder, obstruct, prevent or interfere with the municipality, the county, LCSWMA or their personnel in the performance of any duty under this Part 1 or in the enforcement of this Part 1.

- F. Act in a manner that in contrary to Pennsylvania Solid Waste Management Act, regulations promulgated thereunder, the Plan, this Part 1, the county Ordinance, rules or regulations promulgated thereunder, or the terms of licenses issued thereunder.
2. Public Nuisance. Any unlawful conduct set forth in § 20-107.1 hereof shall constitute a public nuisance.

§ 20-108. (Reserved) [Ord. 1-1987, 1/5/1987, § 8; as amended by Ord. 1989-2, 6/5/1989; and as repealed by Ord. 4-1996, 7/1/1996, § 2]

§ 20-109. Revocation of License. [Ord. 1-1987, 1/5/1987, § 9]

Upon finding that any person has engaged in unlawful conduct as defined in this Part 1, (a) LCSWMA may deny any subsequent application by that person for a license pursuant to § 20-102 hereof.

§ 20-110. Injunctions; Concurrent Remedies. [Ord. 1-1987, 1/5/1987, § 10]

1. Restraining Violations. In addition to any other remedy provided in this Part 1, the county, LCSWMA or a participating municipality with a waste flow ordinance may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Part 1 for an injunction to restrain a violation of this Part 1 or rules, regulations, orders or the terms of licenses promulgated or issued pursuant to this Part 1. In addition to an injunction, the court may impose penalties as authorized by § 20-109 hereof.
2. Concurrent Remedies. The penalties and remedies prescribed by this Part 1 shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the county, LCSWMA or any participating municipality from exercising any other remedy provided by this Part 1 or otherwise provided at law or equity.

§ 20-111. Intermunicipal Agreement. [Ord. 1-1987, 1/5/1987, § 11]

1. Entry into Intermunicipal Agreement. In order to implement the intent and terms of this Part 1, this County pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180, codified at Pa. Stat. Ann. tit. 53 §§ 481-490 (Purdon 1974 and Purdon Supp. 1985) and Article IX, § 5 of the Constitution of the Commonwealth of Pennsylvania hereby enters into the intermunicipal joint cooperation agreement between this County and municipalities within the County of Lancaster, which is attached hereto as Exhibit A and incorporated herein, together with such changes consistent with this Part 1, if any, as may be approved by the officials of the parties executing the same, such execution to be conclusive evidence of such approval (intermunicipal agreement).

2. Terms and Implementation of Intermunicipal Agreement. As more fully set forth in the intermunicipal agreement and this Part 1:

A. Conditions and Terms of Agreement. In the agreement:

- (1) The county agrees (a) to arrange for the provision of municipal waste disposal facilities for the economical and environmentally sound disposal of municipal waste generated within the participating municipalities, (b) to coordinate recycling activities and marketing and (c) to assure continuing municipal waste planning for the county and all participating municipalities by entering into an agreement with LCSWMA;
- (2) The county and the participating municipalities representing, in the aggregate, not less than 60% of the population of the county, each agree to enact a waste flow ordinance in a form substantially similar to this Part 1 and to assure otherwise that all acceptable municipal waste be delivered to the county system;
- (3) The county agrees (a) to enact rules and regulations, (b) to cause LCSWMA to enact additional rules and regulations and to administer a licensing program, and (c) to enforce this Part 1 and parallel municipal waste flow ordinances;
- (4) The county agrees to assure reasonable and uniform solid waste disposal fees for residents of the participating municipalities; and
- (5) The parties agree to cooperate in the joint enforcement of the intermunicipal agreement and all Ordinances enacted to be intermunicipal agreement and the participating municipalities thereby agree cooperatively to exercise, to delegate to the county, and to allow delegation of such powers, duties and responsibilities as set forth in the intermunicipal agreement.

B. Duration of Term of the Agreement. The term of the intermunicipal agreement shall commence upon the date on which the county and municipalities representing at least 60% of the population of the county have executed the intermunicipal agreement and shall terminate 40 years following that date, unless terminated earlier for cause.

C. Purpose and Objectives of Agreement. The purpose of the intermunicipal agreement is to provide a mechanism (a) to finance, to construct and to operate a municipal waste disposal system to serve the county and the municipalities within the county, (b) to administer a county wide recycling program, and (c) to provide continuing

municipal waste planning, as more fully set forth in the recitals to the intermunicipal agreement and this Part 1.

- D. Manner and Extent of Financing the Agreement. Enforcement of this Part 1 shall be financed by the county's general revenues, except insofar as any participating municipality elects to enforce this Part 1; administration of this Part 1, the recycling program, and planning shall be financed by LCSWMA with revenues received from operation of the county system; and construction and operation of the county system shall be financed by debt instruments issued by LCSWMA and by operating revenues.
 - E. Organizational Structure Necessary to Implement the Agreement. LCSWMA shall be formed from LARA by amendment of LARA's Articles of Incorporation; LCSWMA shall (a) construct and operate or arrange for the construction and operation of the county system and (b) administer this Part 1 and waste flow ordinances adopted by participating municipalities pursuant to the intermunicipal agreement; and the county and each participating municipality shall enforce said waste flow ordinances with assistance from LCSWMA.
 - F. Management and Acquisition of Property. All property within the county system shall be acquired, managed and disposed of by LCSWMA, in accordance with its separate agreement with the county and the powers and duties imposed upon LCSWMA by law.
3. Execution. Appropriate officers of the county are authorized and directed to execute the intermunicipal agreement on behalf of the county.

§ 20-112. County/LCSWMA Operations and Charges. [Ord. 1-1987, 1/5/1987, § 12]

The solid waste processing and disposal facilities proposed by the Plan shall be operated efficiently and economically by LCSWMA in accordance with all applicable laws and regulations. All charges for solid waste processing or disposal within the system shall be reasonable and uniform among all classes of the users of the plant or plants from participating municipalities which execute the intermunicipal agreement within 90 days of the date upon which DER grants preliminary approval to the Plan, provided, however, that different fees may be charged for different categories of waste and for different points of entry into the system. Charges for disposal of solid waste generated outside of the county shall be at least \$2 per ton greater than for waste generated within a participating municipality. Charges for disposal of solid waste generated within the county but not within a participating municipality which executed the intermunicipal agreement within 90 days of the date upon which DER grants preliminary approval to the Plan may be the greater of \$1 per ton greater than for solid waste generated within a participating municipality or an amount sufficient to compensate LCSWMA for any additional costs (administrative, engineering or construction) incurred or to be incurred as a result of the municipality not executing the intermunicipal agreement within 90

days of DER granting preliminary approval to the Plan, provided, however, that the municipality may pay this amount as a lump sum.

§ 20-113. Construction. [Ord. 1-1987, 1/5/1987, § 13]

The terms and provisions of this Part 1 are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Part 1 shall be construed in pari materia with the Act of July 7, 1980, P.L. 380, No. 97, known as the Solid Waste Management Act, Pa. Stat. Ann. tit. 35, § 6018.101 et seq. (Purdon Supp. 1985).



PART 2

RECYCLING PROGRAM

§ 20-201. Definitions. [Ord. 2013-02, 3/4/2013]

Any capitalized term, if not defined in this Part, shall have the meaning as from time to time set forth in the LCSWMA Rules and Regulations, which are incorporated into this Part by reference. In addition, as used in this Part, the following terms shall have the following meanings:

ACT 97 — The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended, 35 P.S. § 6018.101 et seq.

ACT 101 — The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, as now or hereafter amended, 53 P.S. § 4000.101 et seq.

ALUMINUM — All food and beverage cans made of the light-in-weight, ductile and malleable metallic substance or element commonly known as "aluminum." This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

BATTERY BAGS — Bags which LCSWMA makes available to generators of municipal waste and which shall be used as disposal containers for batteries which are generated in households.

CLEAR GLASS — Clear glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and composed of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COLORED GLASS — Colored glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and composed of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COMMENCEMENT DATE — The date upon which the current and each subsequent municipal contract collection services begin.

COMMINGLED — Designated recyclable materials which have been segregated from regulated municipal waste but have not been separated into different types of recyclable materials, and which have been placed in a recycling container for the purpose of collection.

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

COMPOSTING — The process by which solid organic waste is biologically decomposed under controlled aerobic or anaerobic conditions to yield a humus-like product.

CONSTRUCTION/DEMOLITION WASTE — A portion of municipal waste resulting from the construction or demolition of buildings and other structures, including wood, plaster, drywall and wallboard, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes street sweepings and non-friable asbestos waste. The term does not include the following if they are separated from other waste and used as clean fill:

- A. Uncontaminated soil, rock, stone, gravel, brick, block, concrete, and used asphalt.
- B. Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

CONTRACTOR — The person providing municipal contract waste and designated recyclable materials collection services under the municipal contract.

CORRUGATED CARDBOARD — Unbleached, unwaxed kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and related products.

COUNTY — The County of Lancaster, Pennsylvania.

CURBSIDE — The correct location for the placement of refuse containers and recycling containers for the purpose of collection by the contractor under the municipal contract, and by permitted collectors at residential units, multifamily units and nonresidential units, which shall be adjacent to the unit and no more than five feet from the public street used by collection vehicles.

CUSTOMER — A person with an agreement for on-site collection of solid waste generated by such person or within a residential unit, multifamily unit or nonresidential unit occupied by such person.

DESIGNATED RECYCLABLE MATERIALS — Those source-separated recyclable materials designated in § 20-206 of this Part.

EXISTING CONTRACT — Any contract for the storage, collection, transportation, processing or disposal of regulated municipal waste or designated recyclable materials generated or located within the municipality

which was legally entered into prior to the effective date of this Part and, when entered into, was legally enforceable.

EXTRA REFUSE CONTAINERS — Refuse containers which are in excess of the number of refuse containers per collection site limit in the municipal contract.

EXTRA SERVICE TAG — A label which shall be affixed to tires, white goods, oversized refuse items, yard waste and extra refuse containers in order for such items to be collected by the contractor.

FACILITY — Any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which solid waste or source-separated recyclable materials, or any portion of solid waste or source-separated recyclable materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of solid waste or source-separated recyclable materials.

FARM — A tract of land containing 10 or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

GENERATOR — A person who produces or creates any solid waste.

HAZARDOUS WASTE —

- A. Garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
- (1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- B. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§ 30.51 through 30.62); treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. § 691.1 et seq.); solid or dissolved material in domestic sewage; solid dissolved materials in irrigation return flows; industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act

(33 U.S.C.A. § 1342); or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011 through 2394).

HIGH-GRADE OFFICE PAPER — Desktop-generated paper limited to white ledger, copy paper, and computer printout (CPO).

HOUSEHOLD HAZARDOUS WASTE — A portion of municipal waste that would be considered hazardous under Act 97 but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under Act 97 and is generated by persons not otherwise covered as hazardous waste generators by Act 97. Household hazardous waste includes the following materials and other materials of a similar nature:

- A. Antifreeze;
- B. Batteries;
- C. Chlorinated hydrocarbons;
- D. Fluorescent light bulbs and other mercury-containing devices;
- E. Gasoline and kerosene;
- F. Grease and rust solvents;
- G. Oven, toilet and drain cleaners;
- H. Paints, rust preventatives, stains and wood preservatives;
- I. Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers;
- J. Photographic and pool chemicals;
- K. Thinners, solvents and furniture strippers;
- L. Transmission and brake fluids;
- M. Used oil or other hydrocarbon-based lubricants; and
- N. Wood, metal, rug and upholstery cleaners and polishes.

LCSWMA — The Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the Municipality Authorities Act, as amended.

LCSWMA FACILITY — Any facility owned or operated by or on behalf of LCSWMA.

MANIFEST — A form supplied by LCSWMA to be completed and signed by each person who collects or transports solid waste or source-separated recyclable materials and which specifies, inter alia, the source, type, quantity and delivery point for the solid waste or source-separated recyclable materials, the applicable license number and other pertinent information.

MULTIFAMILY UNIT — A property with four or more residential units, including, without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

MUNICIPAL CONTRACT — The agreement between the municipality and a permitted collector under which collection services are to be provided to residential units for municipal contract waste and for designated recyclable materials.

MUNICIPAL CONTRACT WASTE — Those portions of regulated municipal waste which are to be collected and disposed of under this municipal contract. Municipal contract waste consists exclusively of refuse and oversized refuse items.

MUNICIPAL CUSTOMER — An owner or occupant of a residential unit electing to receive the collection services for municipal contract waste and designated recyclable materials under the municipal contract.

MUNICIPALITY — The Township of Earl, Lancaster County, Pennsylvania, 517 North Railroad Avenue, New Holland, Pennsylvania, 17557.

MUNICIPALITY'S POLICIES AND PROCEDURES — The rules and regulations adopted and revised from time to time by the municipality which govern and pertain to the municipality's recycling program and the on-site collection or storage of regulated municipal waste within the municipality.

NEWSPRINT — Paper which has been used for the production of daily, weekend and special-edition publications commonly known as "newspapers."

NONPROCESSABLE WASTE — A portion of municipal waste consisting of materials which cannot be handled by LCSWMA's normal processing or disposal methods. Nonprocessable waste includes items greater than six feet in any dimension, such as mattresses, large furniture and recreational vehicles. Nonprocessable waste (oversized) may consist of large auto parts, machines, and any other items deemed appropriate by LCSWMA.

NONRESIDENTIAL UNITS — All commercial, municipal and institutional establishments, all community activities, and all farms, excluding residential units and multifamily units.

OPEN BURNING — A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

OTHER CUSTOMER — An owner or occupant of a residential unit electing not to receive collection services under the municipal contract and that independently contracts with a permitted collector for the collection of regulated municipal waste and designated recyclable materials.

OVERSIZED REFUSE ITEMS — Refuse which will not fit into refuse containers but which is not nonprocessable waste, including small furniture, carpet, portable televisions and the like, but excluding tires and white goods.

PAPER AND PAPERBOARD — Newspaper inserts, empty food and tissue boxes, magazines, catalogs, brochures, telephone books, mixed office paper, envelopes and junk mail, other paper without wax liners, paper bags, and other acceptable grades of recyclable paper as determined by the market.

PERMITTED COLLECTOR — A person who is in possession of all pertinent permits and licenses which may be required by the Commonwealth of Pennsylvania and LCSWMA for the off-site collection, transportation, storage or disposal of solid waste or recyclable materials, and by the municipality for the on-site collection of solid waste or recyclable materials generated within the municipality.

PERSON — Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTICS — Recyclable plastics consist primarily of containers with a neck, which are made of resins No. 1 PET and No. 2 HDPE, but which can be made of resins identified by No. 3 PVC, No. 4 LDPE, No. 5 PP, No. 6 PS and No. 7 OTHER. Other types of plastics may be collected for recycling if accepted by the market.

PUTRESCIBLE WASTE — A portion of municipal waste consisting of organic waste materials which, due to biological decomposition, are, or have a tendency to be, rotten, foul, or odorous, including dead animals and spoiled foods, but not including sludge.

RECYCLABLE MATERIALS — Any material which would be regulated municipal waste but for source separation and which will be processed into raw materials or products which are beneficially reused.

RECYCLING — The separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as solid waste, or the mechanized separation and treatment of solid waste and creation and recovery of reusable materials or energy.

RECYCLING CONTAINER — Refers to a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting, which is utilized for recyclable materials.

REFUSE — That portion of regulated municipal waste except:

- A. Construction/demolition waste;

- B. Nonprocessable waste;
- C. Putrescible waste; and
- D. Household hazardous waste.

REFUSE CONTAINER — A receptacle which is constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting and having a tight-fitting lid capable of preventing entrance into the container by vectors, or a polyethylene bag which is specifically designed for storage and collection, is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents, and has a holding strength capable of withstanding normal stresses until it is collected. With respect to residential units, the weight of a refuse container and its contents shall not exceed 30 pounds, nor shall its capacity exceed 32 gallons.

REGULATED MUNICIPAL WASTE — Any solid waste generated or collected within the municipality which is 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 waste" or "hazardous waste" from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include designated recyclable materials or unacceptable waste.

RESIDENTIAL UNIT — Any single-family detached, semidetached or townhouse dwelling, or a dwelling unit within a multifamily building containing three or fewer dwelling units, excluding farms. When used in this Part or the municipality's policies and procedures, the term "residential unit" shall also refer to any multifamily unit or nonresidential unit that requests and receives approval from the municipality to use the collection services provided under the municipal contract.

RESIDUAL WASTE — Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and 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. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act¹ or treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.²

SCAVENGING — The removal of designated recyclable materials in violation of § 20-212 of this Part.

¹Editor's Note: See 52 P.S. § 30.51 et seq.

²Editor's Note: See 35 P.S. § 691.1 et seq.

SINGLE STREAM — A system where recyclable materials, commonly fibers and glass, metal and plastic containers, are collected and processed together.

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

SOURCE SEPARATE or SOURCE SEPARATION — The process of separating, or the separation of, designated recyclable materials from other solid waste at the location where generated for the purpose of recycling.

STEEL CANS — The ferrous metal food or beverage containers commonly known as "tin cans."

TIRES — Any pneumatic rubber automobile, truck, or farm implement tire.

UNACCEPTABLE WASTE — The following types of solid waste are unacceptable waste unless approved by LCSWMA on a case-by-case basis:

- A. Chemotherapeutic waste;
- B. Drums, barrels, buckets and paint cans, unless lids have been removed and interiors are cleaned and free of any residue;
- C. Explosives and ordinance materials;
- D. Gas cylinders, unless empty and delivered separate from other solid waste;
- E. Hazardous waste;
- F. Infectious/pathological waste; and
- G. Radioactive materials.

WHITE GOODS — A portion of regulated municipal waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot-water heaters, air conditioners, dehumidifiers, furnaces, and electrical heaters.

YARD WASTE — All garden residues, leaves, shrubbery, tree trimmings, and sod.

§ 20-202. Mandatory Recycling. [Ord. 2013-02, 3/4/2013]

All persons within the municipality shall source separate designated recyclable materials generated by such person or generated within a residential unit, multifamily unit or nonresidential unit occupied by such person.

§ 20-203. On-site Collection and Disposal. [Ord. 2013-02, 3/4/2013]

Each person who owns a residential unit, multifamily unit or nonresidential unit within the municipality shall ensure that regulated municipal waste and designated recyclable material generated at such residential unit, multifamily unit or nonresidential unit are collected and disposed of in accordance with this Part, the municipality's policies and procedures, and LCSWMA rules and regulations.

§ 20-204. Residential Units. [Ord. 2013-02, 3/4/2013]

1. Election. Each owner of a residential unit shall have one opportunity prior to the commencement date to elect whether to receive on-site collection services under the municipal contract. Persons who first own a residential unit after the commencement date shall have 30 days to elect whether to receive on-site collection services under the municipal contract after notification from the municipality of the municipal contract and its terms. Upon occupancy of newly constructed residential units, the owner shall have the opportunity to elect or not elect to receive collection services under the municipal contract. Residential units electing to receive such services shall be governed by the rules of § 204.2 below. Residential units electing not to receive such services shall be governed by § 204.3 below.
2. Owners of Residential Units Electing to Receive Municipal Contract Services (Municipal Customers). On-site collection services for municipal contract waste and designated recyclable materials shall be provided to municipal customers by the contractor. Municipal customers shall not during the term of the municipal contract enter into any independent agreement with any permitted collectors for the on-site collection of municipal contract waste or designated recyclable materials.
 - A. Each municipal customer shall prepare designated recyclable materials and municipal contract waste for on-site collection in accordance with the municipality's policies and procedures. Refuse containers shall be placed at curbside in a manner such that the refuse containers shall not spill, tip or otherwise deposit refuse on the street or ground. Extra refuse containers shall be marked with an extra service tag in accordance with the municipality's policies and procedures.
 - B. Municipal customers shall insure proper on-site collection and disposal of regulated municipal waste which is not municipal contract waste by either delivering such materials to a facility themselves or utilizing a permitted collector to collect and deliver such materials to a facility.
3. Owners of Residential Units Electing Not to Receive Municipal Contract Services (Other Customers). Other customers shall provide proper on-site collection and disposal of regulated municipal waste and designated recyclable materials generated at such residential units by utilizing a

permitted collector to collect and deliver such materials to a facility, except as provided in § 20-209 herein. Refuse containers shall be placed for on-site collection by permitted collectors in a manner such that the refuse containers shall not spill, tip or otherwise deposit refuse on the street or ground.

§ 20-205. Multifamily Units and Nonresidential Units. [Ord. 2013-02, 3/4/2013]

1. Each person who owns or occupies a multifamily unit or nonresidential unit shall provide proper on-site collection and disposal for regulated municipal waste and designated recyclable materials by utilizing a permitted collector to collect and deliver such materials to a facility. With respect to municipal contract waste and designated recyclable materials, a person who owns a multifamily unit or nonresidential unit may request municipality approval to receive the services under the municipal contract.
2. Each person who owns or occupies a multifamily unit or nonresidential unit approved to receive services under the municipal contract shall comply with the municipality's policies and procedures established for residential units and, notwithstanding the provisions of § 20-206.2 and § 20-206.3 of this Part, shall source separate the recyclable materials designated in § 20-206.1.
3. Each person who owns a multifamily unit or nonresidential unit that does not receive services under the municipal contract shall:
 - A. Provide recycling containers at easily accessible locations for source separation of designated recyclable materials;
 - B. Provide written instructions to all persons occupying each multifamily unit and nonresidential unit to ensure that all designated recyclable materials are source separated; and
 - C. Provide collection of source-separated designated recyclable materials at a frequency of not less than once per month.

§ 20-206. Designated Recyclable Materials. [Ord. 2013-02, 3/4/2013]

1. Each person who owns or occupies a residential unit shall source separate the following recyclable materials: clear glass, colored glass, aluminum, steel cans, plastic, newsprint, paper and paperboard, yard waste, tires, and white goods.
2. Each person who owns or occupies a multifamily unit shall source separate the following recyclable materials: clear glass, colored glass, aluminum, steel cans, plastic, newsprint, paper and paperboard, yard waste, tires, and white goods.
3. Each person who owns or occupies a nonresidential unit shall source separate the following recyclable materials: clear glass, colored glass,

aluminum, steel cans, plastic, newsprint, paper and paperboard, yard waste, high-grade office paper, corrugated cardboard, tires, and white goods.

§ 20-207. General Requirements for Placement and Collection of Regulated Municipal Waste and Designated Recyclable Materials. [Ord. 2013-02, 3/4/2013]

1. All persons who own or occupy residential units, multifamily units or nonresidential units shall comply with the following requirements:
 - A. No regulated municipal waste or designated recyclable materials shall be placed at curbside for collection more than 24 hours in advance of the scheduled time for collection. Refuse containers must be picked up no more than 24 hours after collection.
 - B. Regulated municipal waste or designated recyclable materials from residential units shall not be stored at curbside prior to collection. Regulated municipal waste or designated recyclable materials shall be stored in containers which shall prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.
 - C. Regulated municipal waste and designated recyclable materials from multifamily units and nonresidential units may be placed in bulk containers of suitable size, shape and material so as to prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.
2. All permitted collectors shall insure that collection of regulated municipal waste and designated recyclable materials shall comply with the following requirements:
 - A. Regulated municipal waste and designated recyclable materials shall be collected on the same day from residential units, and collection shall be made a minimum of once a week.
 - B. On-site collection from residential units shall occur on weekdays during hours established by the municipality. Notwithstanding the foregoing, Saturday collection will be permitted if a holiday has occurred within a week of the Saturday collection.
 - C. No regulated municipal waste or designated recyclable materials shall be blown, scattered or deposited upon the ground in the process of collection.
 - D. Each permitted collector shall collect and deliver, separately to a LCSWMA facility battery drop-off location, all battery bags placed at curbside by residential units.

§ 20-208. Collector Permit. [Ord. 2013-02, 3/4/2013]

1. All persons who desire to collect on site, store, process or dispose of regulated municipal waste or designated recyclable materials within the municipality shall obtain a collection permit from the municipality prior to performance of any such activities.
2. Every person desiring a collection permit under this Part shall make application to the municipality. Such application shall include the name and address of the person making application, proof of a valid license issued by LCSWMA and the Commonwealth of Pennsylvania, identification of other municipalities which have permitted that person, and whether any licenses have been revoked by LCSWMA or any other municipality which requires permitting of haulers.
3. Applicants for a collection permit to operate as a permitted collector within the municipality shall demonstrate that:
 - A. A valid license has been issued by LCSWMA to the applicant.
 - B. The applicant's operation is in conformity in all respects with the rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA, and all municipality ordinances and the municipality policies and procedures.
 - C. Regulated municipal waste and designated recyclable materials shall be suitably enclosed or covered in all vehicles to be used so as to prevent roadside littering, attraction of vectors, or the creation of other nuisances.
 - D. All disposal of regulated municipal waste other than designated recyclable materials shall be at a LCSWMA facility.
 - E. All designated recyclable materials shall be recycled and shall not be disposed of as regulated municipal waste.
 - F. Insurance shall be obtained for the applicant's proposed operation in the municipality. A certificate of insurance shall demonstrate limits as follows:
 - (1) Required vehicle liability insurance: the minimum liability insurance required under State law.
 - (2) General liability: bodily injury, \$100,000 per occurrence, and property damage, \$100,000 per occurrence.
 - (3) Workers' compensation: as required by law.

- G. All equipment to be used has been properly licensed and inspected, and all operators have valid operator's licenses for the class of vehicle operated.
- 4. All municipality collection permits shall be issued for a period of one year or longer.
- 5. Collection permits may be suspended or revoked by the municipality at any time for just cause. Just cause shall include, but not be limited to, where the permitted collector:
 - A. Fails to maintain a valid license issued by LCSWMA;
 - B. Violates any of the provisions of this Part or the municipality's policies and procedures;
 - C. Improperly disposes of designated recyclable materials or regulated municipal waste;
 - D. Scavenges;
 - E. Fails to perform in good faith all the covenants of any agreement entered into with municipality customers or other customers.
- 6. Any person who has been denied a collection permit or whose collection permit has been suspended or revoked may appeal the denial, suspension or revocation to the municipality. Such appeal shall be made in writing within 10 days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the municipality's Secretary. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the municipality, and no appeal shall be considered complete without the payment of the appeal fee. A prompt decision on such appeal shall be made by the municipality.
- 7. Collection permits are not transferrable to any other person.

§ 20-209. Approved Haulers. [Ord. 2013-02, 3/4/2013]

- 1. With respect to municipal contract waste and designated recyclable materials generated by municipality customers, no person other than the contractor shall collect, store, process or dispose of such municipal contract waste. With respect to regulated municipal waste other than municipal contract waste which is generated by municipality customers and regulated municipal waste or designated recyclable materials which are generated by other customers, multifamily units or nonresidential units, no person other than a permitted collector shall collect, store, process or dispose of such waste. Notwithstanding the foregoing, municipality customers who generate

waste other than municipal contract waste and other customers may deliver regulated municipal waste or designated recyclable materials generated by the municipality customer or other customer directly to a LCSWMA Facility.

2. Each permitted collector that collects on-site regulated municipal waste or designated recyclable materials generated in any residential unit, multifamily unit or nonresidential unit shall complete monthly LCSWMA manifests, reporting the amount of regulated municipal waste and designated recyclable materials collected in the municipality.
3. No person who generates, owns or possesses designated recyclable materials or regulated municipal waste shall, by municipal contract for collection services or otherwise, cause, permit or assist in the on-site collection, storage, processing or disposal of such waste by any person other than:
 - A. The contractor with respect to municipal contract waste or designated recyclable materials generated by municipality customers; and
 - B. A permitted collector with respect to regulated municipal waste other than municipal contract waste generated by municipality customers, and regulated municipal waste or designated recyclable materials generated by other customers, multifamily units and nonresidential units.
4. Notwithstanding the provisions of §§ 20-205.2, 20-205.3, 20-210.1 and 20-210.2, any person who owns or occupies a residential unit or a farm may request from the elected body of the municipality approval to deliver to a LCSWMA facility the regulated municipal waste which was generated at such person's residence or farm. Approval for any such request for an exception to the requirement of using a permitted collector shall be within the sole discretion of the municipality and in any event shall not be granted absent firm proof by such person that such regulated municipal waste shall be delivered in a manner that is safe, sanitary and environmentally sound.
5. Each permitted collector that collects on-site regulated municipal waste or designated recyclable materials generated in any residential unit shall submit completed monthly LCSWMA manifests, reporting the amount of regulated municipal waste and designated recyclable materials collected in the municipality. All such reports shall be provided to LCSWMA monthly, no later than the 15th day of the month following the month in which the regulated municipal waste or designated recyclable materials were collected.
6. Each permitted collector who provides regularly scheduled service for the on-site collection of regulated municipal waste from any other customer shall also collect on-site designated recyclable materials from such other customer. Each such permitted collector shall establish, and shall notify each other customer of procedures and collection schedules for the source separation, segregation and packaging of regulated municipal waste and designated recyclable materials. Such procedure shall permit commingling of all

aluminum, clear glass, colored glass, steel cans, paper and plastics in a single recycling container. Each such permitted collector shall schedule collections for yard waste, tires and white goods at least twice annually and shall give each other customer and the municipality at least 30 days' advanced notice of the schedule for such collections.

7. Recycling containers for residential units shall be provided by the municipality, which shall retain title to all such recycling containers. The contractor and permitted collectors shall distribute recycling containers to all of their residential unit customers in accordance with guidelines established by the municipality.
8. Each permitted collector shall give written notice to each customer of such permitted collector's obligations under this Part and particularly the requirement to offer on-site collection services for designated recyclable materials.
9. No permitted collector who collects on-site or disposes of designated recyclable materials or regulated municipal waste shall, by contract for such services or otherwise, cause, permit or assist in the storage, collection, processing or disposal of designated recyclable materials in a manner which treats such materials as regulated municipal waste, or which is otherwise inconsistent with source separation or recycling. Any delivery of designated recyclable materials to an LCSWMA facility in accordance with the LCSWMA rules and regulations shall be deemed to satisfy the requirements of this § 20-209.9.
10. All regulated municipal waste and designated recyclable materials generated or collected in the municipality shall be delivered directly to a facility in accordance with the LCSWMA rules and regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such regulated municipal waste and designated recyclable materials from the time of its collection until the time of its delivery to the facility.

§ 20-210. Illegal Dumping and Open Burning. [Ord. 2013-02, 3/4/2013]

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable materials except at a facility. Notwithstanding the foregoing, yard waste may be composted to the extent and in the manner provided in the municipality's policies and procedures on the property on which such yard waste was generated.
2. No person shall process or dispose of any designated recyclable materials through open burning.
3. The following activities are exempt from the open burning prohibition set forth above:

- A. Yard waste, crop residue, brush, woody debris, shrubs, trees and other natural vegetation generated as an element of any of the following practices may be burned:
 - (1) Agricultural and land conservation and management practices conducted on a farm;
 - (2) Agricultural, horticultural and forestry management practices to control insects, diseases and other pests conducted on a farm when approved by applicable governmental agencies; and
 - (3) Land clearing and grubbing during or prior to the process of construction.
- B. Yard wastes that are used for cooking food, recreational or ceremonial purposes;
- C. Yard wastes that are approved by permit for open burning by a Fire Marshal, emergency services directive, or the Pennsylvania Department of Environmental Protection;
- D. Structures that are used for approved and permitted fire services training activities.

§ 20-211. Collection Service Fees. [Ord. 2013-02, 3/4/2013]

Fees for services provided by the municipality shall be charged to all municipality customers. The amount of fees and the schedule for payment of fees shall be as adopted by resolution or ordinance from time to time by the municipality.

§ 20-212. Scavenging. [Ord. 2013-02, 3/4/2013]

From the time of placement for collection at curbside of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator, the contractor or the permitted collector who has contracted to provide on-site collection, as provided in the municipal contract or collection permit. It shall be a violation of this Part for any person, other than the contractor or a permitted collector, to collect or pick up, or cause to be collected or picked up, any such designated recyclable materials. Each such collection shall constitute a separate and distinct offense.

§ 20-213. Unauthorized Collection. [Ord. 2013-02, 3/4/2013]

It shall be a violation of this Part for any person, not permitted by the municipality, to collect or pick up, or cause to be collected or picked up, any regulated municipal waste within the municipality. Each such collection shall constitute a separate and distinct offense.

§ 20-214. Existing Contracts. [Ord. 2013-02, 3/4/2013]

1. Nothing in this Part shall be construed to impair the obligations of any existing contract.
2. No renewal or modification of any existing municipal contract, and no new contract for the storage, on-site collection, processing or disposal of regulated municipal waste or designated recyclable materials, shall be entered into after the effective date of this Part unless such renewal or modification or new contract shall conform to the requirements of this Part and the municipality's policies and procedures.
3. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Part shall provide for on-site collection services to be performed after the commencement date for municipal contract waste or designated recyclable materials generated by any municipal customer. This provision shall not apply to the municipal contract between the municipality and the contractor. With respect to any contract which violates this § 20-214.3, such contract shall be deemed void, and the hauler that is a party to such contract shall reimburse to the applicable municipal customer any funds which have been paid for such collection services and shall not collect or attempt to collect any funds for such collection services.

§ 20-215. Authorization of Municipality. [Ord. 2013-02, 3/4/2013]

The municipality shall have the power to issue the municipality's policies and procedures governing all matters set forth in this Part and any other related matters deemed necessary or convenient by the municipality. The municipality's policies and procedures shall be effective when issued in writing and signed by the Board of Supervisors of the municipality. The municipality shall have the power to establish service fees, record and reporting requirements, and standards and procedures for the issuance, administration and revocation of licenses, as deemed necessary, including, without limitation, application procedures and standards and conditions for licenses; the fixing of a monetary bond, with or without surety, to secure the compliance by any permitted collector with any such requirements, standards or procedures; and any other matters deemed necessary or convenient by the municipality. In the event of suspension or revocation of any license which is issued by the municipality or LCSWMA, the person whose license is suspended or revoked shall refund to each customer any prepaid fees.

§ 20-216. Unlawful Activity. [Ord. 2013-02, 3/4/2013]

It shall be unlawful for any person to violate, or cause or permit or assist in the violation of, any provision of this Part or any provision of the municipality's policies and procedures. All unlawful conduct shall also constitute a public nuisance.

§ 20-217. Violations and Penalties. [Ord. 2013-02, 3/4/2013]

Any person violating any provision of this Part or any provision of the municipality's policies and procedures shall, upon conviction thereof in a summary

proceeding, be liable to pay a fine or penalty of not less than \$100 nor more than \$1,000, which fines and penalties may be collected as provided by law. Each violation of any provision of this Part or of any provision of the municipality's policies and procedures, and each day that such a violation continues, shall constitute a separate violation and offense.

§ 20-218. Persons Liable. [Ord. 2013-02, 3/4/2013]

For purposes of the obligations established by this Part or the municipality's policies and procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "person," "municipal customer," "other customer," "residential unit," "multifamily unit" and "nonresidential unit" shall include officers, directors and partners of any corporation or partnership or other legal entity having officers, directors or partners and refer to, and impose joint and several liability upon, both the persons residing in or occupying any such residential, multifamily or nonresidential units and the owner, landlord, condominium owners' association and/or agent of an owner, landlord or condominium owners' association of such premises.

§ 20-219. Injunctive Relief. [Ord. 2013-02, 3/4/2013]

In addition to any other remedy provided in this Part, the municipality may institute proceedings to restrain any violation of, or to require compliance with, this Part and/or the municipality's policies and procedures.

§ 20-220. Concurrent Remedies. [Ord. 2013-02, 3/4/2013]

The penalties and remedies set forth in this Part are in addition to, not in lieu of, any fines, penalties or remedies provided in the municipality's policies and procedures. The existence or exercise of any remedy shall not prevent the municipality from exercising any other remedy provided under this Part or the municipality's policies and procedures, or available at law or equity, including the filing of a lien for the nonpayment of service fees.

§ 20-221. Prior Ordinances. [Ord. 2013-02, 3/4/2013]

Any other ordinances which pertain to regulated municipal waste or designated recyclable materials are hereby repealed to the extent of any inconsistency with this Part.

§ 20-222. Severability. [Ord. 2013-02, 3/4/2013]

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

§ 20-223. When Effective. [Ord. 2013-02, 3/4/2013]

This Part shall take effect and be in force five days after its enactment by the Board of Supervisors of the Township of Earl as provided by law.

