

**NORTH CORNWALL TOWNSHIP
Lebanon County, Pennsylvania**

ORDINANCE # 318

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR SOLID WASTE REDUCTION AND FOR THE COLLECTION OF RECYCLABLE MATERIALS WITHIN THE TOWNSHIP; PROHIBITING THE DISPOSAL OF RECYCLABLE MATERIALS IN A CONVENTIONAL SOLID WASTE DISPOSAL SYSTEM; EMPOWERING THE TOWNSHIP TO AUTHORIZE SPECIFIC WASTE HAULERS; ADOPTING AND PROMULGATING RULES AND REGULATIONS THEREFORE; AND ESTABLISHING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

WHEREAS, the Board of Supervisors of North Cornwall Township deems it valuable to return key recyclable materials to productive use, to conserve energy, and to protect capacity at solid waste processing or disposal facilities; and

WHEREAS, the Board of Supervisors recognizes the importance of educating the public on the economic, environmental, and energy value of recycling and solid waste reduction; and

WHEREAS, the Board of Supervisors wishes to require residential, commercial, municipal, institutional, and community establishments to recycle to promote the health, safety, and welfare of Township residents.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of North Cornwall, and it is hereby enacted and ordained, as follows:

SECTION I. PURPOSE:

- a. Act 101 of 1988, an Act of the Commonwealth of Pennsylvania, entitled "The Municipal Waste Planning, Recycling and Waste Reduction Act," requires municipalities with populations greater than 5,000 and less than 10,000 people, as well as those with a population density of 300 people per square mile, to implement a curbside collection program for recyclable materials.
- b. The North Cornwall Township Board of Supervisors desires to establish a recycling and solid waste management and reduction program within the

Township to better utilize existing and future solid waste facilities, and to work toward an efficient, more productive, and environmentally sound method of solid waste management; in addition, the adoption and implementation of a recycling program will positively impact the conservation of natural resources, protect the right of the people to clean air and pure water, and preserve the environment.

- c. North Cornwall Township wishes to comply with the regulations as set forth by the Greater Lebanon Refuse Authority under the authority granted by Lebanon County Ordinance 15, enacted June 6, 1991, along with any amendments thereto.

SECTION II. DEFINITIONS:

The following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, the word "shall" is always mandatory and not merely directory, words used in the present tense include the future, words in the plural number include the singular number, and vice versa.

- a. Aluminum Containers – All empty aluminum food/beverage containers.
- b. Bulky Waste – Items of solid waste, which due to their size, shape, or weight, cannot be collected as a part of the normal weekly solid waste collection, and therefore require special handling.
- c. Collector/Hauler – A person, firm, corporation or entity who is licensed and registered with the Greater Lebanon Refuse Authority and authorized to engage in the collection, transportation, and/or depositing of solid waste, recyclable materials and/or bulk waste from residential, commercial, municipal and institutional establishments. The term may be applied to an entity having the exclusive or non-exclusive right to collect within the Township, including landscaping companies.
- d. Co-mingled Recyclables – Recyclable material which has been separated from solid waste but has not been individually separated into different types of recyclables and has been placed in a recycling container for collection.
- e. Commercial Establishments – Properties that are used primarily for commercial, office and/or industrial purposes.
- f. Community Activity Establishments/Areas – Facilities, areas, and/or events attended or visited by any number of people that are sponsored by public or private agencies or individuals that include but are not limited to

fairs, bazaars, socials, picnics, parks and organized sporting events attended by the public.

- g. Construction and Demolition Waste – Lumber, roofing materials, sheathing, rubble, broken concrete, macadam, plaster, brick, conduit, pipe, wire, insulation, and other material that results from a construction, demolition, or remodeling project.
- h. Corrugated Cardboard – Structural paper material with an inner core shaped in rigid parallel furrows and ridges.
- i. Curbside Recycling Collection – The scheduled collection and transportation of recyclable materials placed at the curb line or other area designated by the collector/hauler.
- j. Exclusive Contract – An agreement entered into by the Township with a private person, corporation, or other entity for the collection and disposal of all solid waste and/or recyclables within the Township, to the extent provided by this Ordinance and the agreement.
- k. Generator – Person, firm, entity, or consumer who initiates the waste stream and is subject to the provisions of this Ordinance.
- l. Glass – Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, automobile glass, plate glass, blue glass, porcelain and ceramic products.
- m. High Grade Office Paper – All white, photo copier, computer, scratch paper, envelopes and other paper, except glossy paper and newsprint, which are used in commercial, industrial, institutional, and municipal establishments.
- n. Industrial Establishments – Any establishment engaging in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, and refineries.
- o. Institutional Establishments – Facilities that house or serve groups of people, such as hospitals, medical offices, schools, nursing homes, churches, and similar establishments.
- p. Leaf Waste – Leaves from trees, bushes, and other plants.
- q. Person(s) – Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, State institution or agency, or any other legal entity

whatsoever which is recognized by law as the subject of specific rights and duties.

- r. Plastics – Empty plastic bottles, jugs and/or jars whose opening is smaller than the base, and in which contained food or beverages, household cleaners or detergents, and/or other non-toxic materials.
- s. Recyclables/Recyclable Materials – Materials as specified by this Ordinance that are to be collected separately from other solid waste for the purpose of reusing the materials and to reduce the amount of solid waste entering the conventional solid waste stream.
- t. Recycling Container – A container provided by North Cornwall Township or a collector/hauler made of rigid plastic, with a capacity adequate to match the collection interval, but not less than twelve (12) gallons, unless otherwise contracted by the customer.
- u. Residential Establishment – Any building or portion thereof designed and used exclusively for residential occupancy.
- v. Residual Waste – Any garbage, refuse, 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, waste water treatment facility, or air pollution control facility, provided that it is not hazardous.
- w. Solid Waste – Any garbage, refuse, industrial lunchroom waste, office waste, and any other material including solid waste, liquid, semi-solid or contained gaseous materials resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activity establishments/areas.
- x. Township – The governmental jurisdiction and legal entity of North Cornwall Township, Lebanon County, Pennsylvania.
- y. Yard Waste – garden and plant residue, shrubbery and tree trimmings and other similar material wholly generated from the property, except grass clippings, poisonous plants, leaf waste, and nuts/fruit/vegetables/similar material produced from trees and plants.

SECTION III. RECYCLING PROGRAM:

The Township of North Cornwall hereby establishes and implements a mandatory source separation and collection program for recyclable materials,

which shall include the following regulations:

- a. All residential establishments are hereby required to separate all recyclable materials as provided by Township resolution, plus leaf waste and yard waste, from other solid waste generated at their homes, apartments, and other residential establishments and to store such material until collection. Recyclable materials will remain the property of the generator until those materials are collected by a hauler.
- b. Commercial, municipal, and institutional establishments are hereby required to separate and store, until collection, all recyclable materials as provided by Township resolution, plus high-grade office paper, corrugated cardboard, aluminum containers, leaf waste and yard waste, from other generated solid waste.
- c. Community activity establishments/areas are hereby required to have a sufficient number of solid waste and recycling containers on site to accommodate the separation and storing of solid waste and recyclable materials, as provided by Township resolution, until collection by a hauler.
- d. All owners, landlords, and/or agents of owners or landlords of multi-family rental housing properties having four (4) or more units, must comply with the requirements of this Ordinance by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents of owners or landlords may be held liable for the noncompliance of occupants of their buildings.
- e. Leaf Waste Collection: All residential, commercial, municipal, and institutional establishments who gather leaves shall separate all leaf waste from solid waste and place it for collection at the times and in the manner prescribed by Township resolution. Grass clippings and other yard wastes will **not** be permitted in any leaf waste collection. Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, gardening or landscape purposes or from preventing landscaping companies from collecting, removing and properly recycling leaf waste.

Yard Waste Collection: Garden/plant residue (other than grass clippings), and tree/shrubbery trimmings, shall be separated from other waste and placed for collection as prescribed by Township resolution. Grass clippings, leaf waste, poisonous plants, and nuts/fruit/vegetables/similar material produced from trees and plants will **not** be permitted in any yard waste collection. Nothing herein shall prevent any person from utilizing

yard waste for compost, mulch, or other agriculture, horticulture, gardening or landscape purposes or from preventing landscaping companies from collecting, removing, and properly recycling yard waste.

- f. Recycling Collection Containers: One recycling collection container will be issued to each applicable property in the Township. These containers will remain at their designated property, regardless if the resident, owner or tenant no longer lives at that property. If additional containers are needed, residents may acquire another container at their own expense, which will be established by Township resolution.
- g. All haulers who collect solid waste and recyclables within the Township shall be licensed and registered by the Greater Lebanon Refuse Authority or other acceptable affiliates. Haulers will be required to submit weigh slips or written documentation designating weight and type of material recycled in accordance with the applicable Township resolution.
- h. Education: North Cornwall Township will make continued efforts to educate the public on recycling information.

SECTION IV. STORAGE:

It shall be the duty of every residential, commercial, municipal, and institutional establishment within the Township to keep at all times a sufficient number of containers for both solid waste and recyclables accumulated between intervals of collection by a hauler. It shall also be their duty to insure the sanitary and legal depositing of such materials in accordance with this Ordinance and all other Township, County, State and Federal applicable laws and regulations.

SECTION V. COLLECTION AND RECYCLING:

At a frequency prescribed by Township resolution, the recyclable materials are hereby required to be placed at curbside or are hereby required to be recycled at a Township-approved recycling location. Residents should follow their respective hauler's schedule for additional recycling pick-up if needed. Recyclable materials held for collection or placed curbside shall remain the property of the generator until picked up by the hauler for recycling.

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

SECTION VI. UNLAWFUL DISPOSAL OF RECYCLABLES:

Upon and after the effective date of this Ordinance, it shall be unlawful for any person or persons to dispose of any recyclable item, as designated in Township resolution, co-mingled with other solid waste, or to dispose of such items in other places that will not ensure that items are recycled, unless the material is so contaminated that it is unacceptable for recycling.

SECTION VII. VIOLATIONS AND PENALTIES:

a. General Violations and Penalties

Any residential, commercial, municipal, institutional or community activity establishment who shall violate or shall fail to comply with any of the provisions of this Ordinance or any resolutions promulgated pursuant hereto, shall upon conviction thereof, be sentenced to pay a fine in the following manner: one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and for the third or more offenses, three hundred dollars (\$300.00), but not more than six hundred dollars (\$600.00), together with the costs of prosecution. In default of payment of the fine or penalty imposed and the costs, said person or establishment will be sentenced to imprisonment in the county jail for a period not exceeding thirty (30) days. Each day's continuance of a violation or failure to comply with any provisions of this Ordinance or any resolutions promulgated pursuant hereto, shall constitute a separate offense.

In addition to the foregoing penalty, the Township may require any person to remove any accumulation of solid waste or secure the containers of any solid waste or recyclables within five (5) days following receipt of a written notice, the Township may cause the solid waste to be collected and disposed of, with the cost for such action to be charged to the owner or occupant of the property in a manner as provided by law.

It shall also be a violation for unapproved haulers to collect, pick up, or cause to be collected or picked up any recyclable item, with the exception of leaf waste and yard waste. Upon conviction, a fine of not more than one thousand dollars (\$1,000.00), together with the costs of prosecution shall be paid, and upon default of payment of the fine or penalty imposed, shall be sentenced to imprisonment in the county jail for a period not to exceed thirty (30) days, provided that each day's continuance of a violation of this Ordinance and/or Township resolutions, shall constitute a separate and distinct offense.

b. Violations and Penalties Concerning Recycling Containers

The following activities by persons or firms are prohibited:

1. Destruction or vandalism to a recycling container.
2. The use of recycling containers for purposes other than recycling.
3. The deliberate emptying of recycling containers without the intent to properly recycle the contents.

Persons responsible for any of the above activities shall, upon conviction by a Magisterial District Judge in a summary proceeding, be subject to a fine of not more than one thousand dollars (\$1,000.00), together with the costs of prosecution. Upon judgment against any such Defendant by summary conviction, and upon default of the payment of the fine or penalty imposed and the costs, such Defendant may be sentenced and committed to the County Jail for a period not exceeding thirty (30) days. Each day of a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a Magisterial District Judge, and subject to a penalty imposed by this Article for every such violation.

SECTION VIII. ADMINISTRATION:

The North Cornwall Township Board of Supervisors shall establish, promulgate, change or amend the rules and regulations of North Cornwall Township in accordance with the terms of this Ordinance, along with undertaking any other action required to implement this Ordinance. The Township may change, modify, or amend any portion of this Ordinance by a resolution of the Township at any time.

SECTION IX. ENFORCEMENT:

North Cornwall Township office staff, Management, and/or Code Enforcement Officer are hereby charged with the enforcement of this Ordinance, along with the regulations promulgated in the recycling resolution of the Township.

SECTION X. FRANCHISE OR LICENSE:

Haulers must be licensed in Lebanon County in accordance with provisions of the Lebanon County Solid Waste Management Plan and the Licensing Agreement as administered by the Greater Lebanon Refuse Authority.

The Township reserves the right to, at any time, enter into an exclusive or non-exclusive agreement with any public or private agency or firm to authorize such agency or firm to collect all or part of the solid waste and recyclable materials within North Cornwall Township.

It shall be unlawful for any person or corporation other than persons or corporations authorized by license or contract, to collect and/or transport solid waste and recyclables of any nature as a regular hauling business within or from the Township. If, at any time, the Township enters into an exclusive contract for the collection of solid waste and recyclables, said contractor shall be required to collect solid waste and recyclables in the Township exclusive of other private haulers and collectors, subject to exceptions to the exclusive Township contract. The Township shall not issue a contract to any private hauler or collector for the collection of solid waste and recyclables other than the hauler or collector having the exclusive contract with the Township.

SECTION XI. APPLICABILITY:

This Ordinance shall be subject to all applicable federal, state, and municipal laws and ordinances, as well as regulations as set forth by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

SECTION XII. SEVERABILITY:

If any section, sentence or other part of this Ordinance shall be held to be invalid, such invalidity shall not cause, affect or impair any remaining section, sentence or other part of this Ordinance, it being the intention of the Board of Supervisors of North Cornwall Township, that such remainder shall continue in full force and effect.

SECTION XIII. REPEALER:

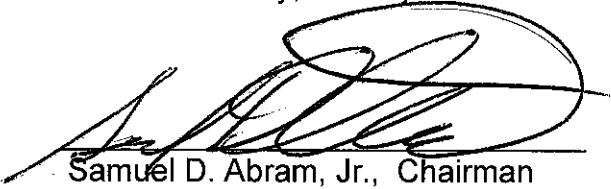
This Ordinance shall repeal and replace Ordinance #207 in its entirety. All other Ordinances or parts of Ordinances, and Resolutions or parts thereof which are inconsistent herewith shall be and are hereby expressly repealed.

SECTION XIV. EFFECTIVE DATE:

This Ordinance shall become effective five (5) days after adoption by the Board of Supervisors of North Cornwall Township.

Enacted and ordained this 15th day of September, 2020.

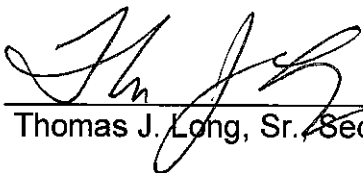
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