

ORDINANCE NO. 128

AN ORDINANCE OF THE TOWNSHIP OF LEHMAN, PIKE COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR THE MANDATORY SOURCE SEPARATION AND SEPARATE COLLECTION OF DESIGNATED RECYCLABLE MATERIALS, TO INCLUDE LEAF WASTE, FROM RESIDENCES AND PROPERTIES RECEIVING MUNICIPAL WASTE COLLECTION SERVICE FROM OR ON BEHALF OF THE TOWNSHIP OF LEHMAN FOR RECYCLING PURPOSES; TO PROHIBIT THE DISPOSAL OF DESIGNATED RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL WASTE DISPOSAL SYSTEM; TO EMPOWER THE TOWNSHIP TO ADOPT RULES AND REGULATIONS THEREFORE; AND TO FIX PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988("Act 101") requires mandated municipalities, including Lehman Township, to develop a program for the collection, storage and transportation of recyclable materials;

WHEREAS, domestic, commercial, municipal and industrial entities must properly dispose of recyclable materials and all participants at community activities are required to properly dispose of recyclable materials;

WHEREAS, the Lehman Township Supervisors have determined to establish a recycling program consistent with the provisions of Act 101 and the provisions of the Solid Waste Management Act, 35 P.S. § 6018.010 et seq.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lehman Township, Pike County, Pennsylvania, it is hereby ordained and enacted by the authority of the same:

SECTION 1: INTENT. All domestic, commercial, institutional and industrial recyclables accumulated upon any property within Lehman Township shall be collected and removed at curbside, roadside or similar location on the premises by an authorized collector. This Ordinance shall provide a mandatory recycling program and govern all aspects of the collection, storage, transportation, processing and disposal of municipal

solid waste in Lehman Township. It contains regulations applicable to collectors of municipal waste, collectors of recyclables, individuals, commercial, municipal and institutional establishments, and community activities.

SECTION 2: DEFINITIONS.

Agent- One who performs an Act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefore).

Aluminum Cans- Empty aluminum beverage and food containers.

Authorized Collector-A collector of municipal wastes and recyclables, including leaf materials, licensed and approved by Lehman Township, or any such succeeding governmental entity having authority to regulate the collection and/or disposal of municipal and recyclables in Lehman Township.

Bimetallic Cans- Empty food or beverage containers consisting of both steel and aluminum.

Bulk Items- Any large durable goods such as refrigerators, washing machines, window air conditioners, hot water heaters, dishwashers, and any other major home appliances, in addition to other large bulk items, such as dressers, beds, mattresses, sofas, television sets, and other large household items.

Commercial- Of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial, or professional service or office enterprise, business or establishment.

Commingle or Commingled Recyclables- Recyclables mingled or blended together, placed in the same container.

Community Activity- Events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, which include but are not limited to concerts, fairs, bazaars, socials, picnics, and organized sporting events.

Composting- The process of the biological decomposition of organic solid waste being biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Corrugated Paper- Structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packing cartons and boxes.

Curbside- That location at the edge of any lot, parcel or piece of land adjacent to a public or private right-of-way or roadway, and which location is most accessible and/or convenient to any authorized collector for the purpose of collecting municipal waste and/or recyclables.

Department- The Pennsylvania Department of Environmental Protection.

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

Domestic- Recyclable materials generated by persons in residential establishments, including residential subdivisions and residential developments.

Garbage- All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

Glass Containers- All empty food and beverage jars or bottles, the product being transparent or translucent (clear, green or brown). Expressly excluded are non-container glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

High-Grade Paper- Bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper, and computer paper.

Institutional- Of or pertaining to any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, schools, universities, churches, and social or fraternal societies and organizations.

Landlord- The owner of residential rental property or such owner's authorized agent.

Leaf Waste- Leaf waste from trees, bushes and other plants, garden residue, shrubbery and tree trimmings and similar materials, but not including grass clippings.

Licensed Collector- See "authorized collector".

Magazines- Printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

Multifamily Dwelling- A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

Municipal Waste- Any garbage, refuse, industrial, lunchroom or office waste and other materials, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments, or from community activities, and which are not classified as residual or hazardous waste, except farm-produced manure, other agricultural waste, and food processing waste used on land, where such materials will improve the condition of the soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of "residual or hazardous waste," as defined in the Commonwealth of Pennsylvania Solid Waste Management Act. The term does not include source-separated recyclable materials or leaf waste.

Municipal Waste Landfill- Any facility that is designed, operated, used and/or maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Newspaper- See "newsprint."

Newsprint- Paper of the type commonly referred to as "newspaper" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions containing advertising inserts, magazines, glossy or other chemically coated paper, office paper, and any other paper products of any nature.

Person- Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, 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 rights and duties. In any provisions of this ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plan- The Pike County Municipal Waste Management Plan, as now or hereinafter amended.

Plastic Containers-Empty plastic food and beverage containers, the specific types of which are;

- A) Pet (e.g., soft drink bottles).
- B) HDPE (e.g., milk and water jugs, detergent and shampoo bottles).
- C) Other such plastic as may be designated by resolution of the Lehman Township Supervisors.

Property Owners' Association- A business or association of homeowners within a community whose principal purpose is to ensure the provision of and maintenance of community facilities and services for the common benefit of the residents of the association, includes arranging for solid waste and recycling services.

Recyclables- Materials designated as "recyclable" in this ordinance, or required by the terms of this ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled. The term includes leaf waste.

Recycling Facility-A facility employing a technology and/or a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off point or collection center for recycling, or any source-separation or collection center for composting leaf waste.

Residential- Of or pertaining to any dwelling unit used as a place of human habitation and which is not a commercial, municipal, institutional or community activity. Home occupations incidental to the residential use within a building are considered residential.

Rubbish- Solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper or plastic) and non-compostable plant material, wood or non-putrescible solid waste.

Steel Cans- Empty food or beverage containers made of steel, tin-coated steel or other ferrous metal food or beverage containers.

Storage- The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption may be overcome only by clear and convincing evidence to the contrary.

Township-Lehman Township, Pike County, Pennsylvania.

Transfer Station- A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of such waste materials for off-site reuse. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastic; nor does the term include the centrally designated location of a development where agents of the lot owners have gathered the waste from the development for collection by authorized collectors.

Transportation- The removal from any site or location of any municipal waste or recyclable materials at any time after generation thereof.

Waste- A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials, leaves, or material approved by the Commonwealth of Pennsylvania, Department of Environmental Protection for beneficial use.

SECTION 3: DUMPING; LITTER.

A) It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such

containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables or leaf waste in any stream, body of water or on any public right-of-way within the Township.

B) Every owner of property or occupant thereof responsible for the property's day-to-day operation or maintenance shall pick up and discard in any appropriate receptacle any municipal waste, recyclables or other debris and place same at the curbside location or on the sidewalk or gutter in front of or adjacent to his/her property. All owners or operators of commercial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposit and accumulation of debris on their premises.

C) Nothing contained herein shall prohibit a duly constituted property owners' association or corporation from assembling municipal waste or recyclables at a central, accessible location, provided such activities are conducted and confined within the boundaries of that real estate development or subdivision, as defined herein, lawfully recorded and recognized as such.

D) Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural waste, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

E) Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this ordinance by the person on whose property the bulk container is located, if it is located on private property.

F) No waste or recyclables shall be allowed to accumulate on the ground or be disposed of on highways, Township roads, vacant lots or other property, nor be thrown in any stream or other body of water.

SECTION 4: OPEN BURNING

A) No person shall ignite, cause, feed, permit or maintain any open fire for the destruction of solid waste recyclables or leaf waste designated in this ordinance on any property under his or her control, except as hereinafter provided.

B) Exceptions to open-burning prohibition:

(1) A fire set to prevent or abate a fire hazard, when written approval is provided by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.

(2) A fire set for the purpose of burning, clearing and grubbing waste. If within an air basin, an air curtain destructor must be used and must be approved by the Department of Environmental Protection's Regional Air Quality Program office.

(3) Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operations, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

(4) A fire set solely for cooking food, outdoor campfires and small bonfires for ceremonies or recreation are allowed provided they do not cause a nuisance.

(5) No open burning shall occur during any fire ban emergency declared pursuant to this provision.

(6) Persons responsible for any large fires are encouraged to contact the Pike County Communication Center and provide the time and location of the fire.

SECTION 5: MANDATORY SEPARATION OF RECYCLABLES.

A. Persons shall separate glass containers (clear, green and brown); high grade office paper; aluminum; steel and bimetallic cans; plastic containers; newsprint; corrugated paper and leaf waste from other municipal waste generated at their homes, apartments and other residential establishments and shall store such materials until collection.

(1) As noted herein below in Section 6, leaf waste shall be kept separate from other municipal waste.

(2) Nothing in this ordinance shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection.

B. Persons shall separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments until collection, unless those persons have otherwise provided for the composting of leaf waste. An owner, landlord or agent of an owner or landlord of multifamily rental housing with four or more units or the residents of multifamily residential properties acting by and through a duly constituted property owners' association may comply with this section by establishing a collection system for recyclable materials at each property, as noted herein below in Section 7. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch, or other agricultural purposes.

C. Persons shall separate glass containers (clear, green and brown); high-grade office paper; aluminum; steel and bimetallic cans; plastic containers; newsprint; corrugated paper and leaf waste generated at commercial, municipal or institutional establishments and community activities from other municipal waste generated at said establishments and activities and shall store the material until collection.

D. Persons occupying commercial, institutional and municipal establishments within Township borders shall be exempt from the requirements of this ordinance if those persons have otherwise provided for the recycling of materials they are required by this ordinance to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must annually provide written documentation to the municipality of the total number of tons recycled.

SECTION 6: MANDATORY SOURCE SEPARATION OF LEAF WASTE.

Unless otherwise provided for composting, all persons who gather leaf waste shall keep leaf waste, from trees, bushes and other plants, garden residue, shrubbery and tree trimmings but not including grass clippings, separate from all other forms of municipal waste and separate from recyclables. Such leaf waste shall be set out for collection at the times and in a manner to be designated by the Township and shall be collected and delivered by the Township to a leaf composting facility. The leaf waste collection

schedule shall be advertised by the Township two weeks prior to the fall and spring collections.

SECTION 7: RESIDENTIAL RECYCLING.

A. For residential properties, all recyclables which are required to be kept separate from municipal waste and shall be placed at curbside or some appropriate location on the premises designated by the authorized collector to be collected at times designated by the authorized collector or agent. The preparation for collection of recyclable materials shall be made in accordance with the instructions provided by the authorized collector and which are consistent with the terms of this ordinance. The frequency of such collection shall be not less than once per calendar month during a week of each month designated by the Township on designated day or days approved by the Township Recycling Coordinator, after consultation with the applicable authorized collector. Each authorized collector shall identify to the Township Recycling Coordinator the day or days, during the designated week, each month that the authorized collector desires to make collection of recyclables. Once days are approved by the Recycling Coordinator, each authorized collector shall inform his customers of the designated day the customer is to place the customers separated recyclable materials at the curbside, or similar location on the premises, for collection. No change in the authorized collector's schedule shall be made without the prior approval of the Township Recycling Coordinator.

B. An owner, landlord or agent of an owner or landlord of multifamily residential housing properties with four or more units or the residents of multifamily or single residential properties acting by and through a duly constituted property owners' association who may contract with an authorized collector and aggregate/gather (in acceptable containers) together municipal waste or recycling at collection points, shall establish a collection system for recyclable materials at each property and pickup by an authorized collector.

1. The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers, and written instructions to the occupants or residents concerning the use and availability of the collection system.

2. Owners, landlords, agents of an owner or property owners' associations shall complete a form to be designated "Recycling Report," to be provided by the Township.

Each such quarterly report shall be submitted on or before the last day of the first month of each quarter for the preceding quarter. Quarters shall run on a calendar-year basis thus: January through March; April through June; July through September; and October through December. Such owners, landlords, agents and homeowners' associations may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township.

3. Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements shall not be liable for the noncompliance of occupants of their building.

SECTION 8: COMMERCIAL, MUNICIPAL, INSTITUTIONAL, AND COMMUNITY ACTIVITIES.

A. All recyclables which are required to be kept separate from municipal waste in commercial, municipal and institutional establishments and community activities shall either be delivered directly to a recycling center or shall be picked up by an authorized collector separately from municipal waste in a prearranged manner. Commercial, municipal and institutional establishments and community activities shall establish a collection system for recyclable materials at each property and pickup by an authorized collector. Commercial, municipal and institutional establishments and community activities shall not place recyclables within or near the public right-of-way for curbside collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multifamily housing properties.

B. Commercial, municipal and institutional establishments.

(1) The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers, and written instructions to the occupants or residents concerning the use and availability of the collection system.

(2) Commercial, municipal and institutional establishments shall complete a quarterly recycling report form to be designated "Recycling Report," to be provided by the Township, together with copies of all weigh slips, indicating the weight and types of all recyclables collected. Each such quarterly report shall be submitted on or before the last day of the first month of each quarter for the preceding quarter. Quarters shall run on a calendar-year basis thus: January through March; April through June; July through

September; and October through December. Such commercial, municipal and institutional establishments may comply with the reporting requirements hereunder by requiring their authorized collector to provide said documentation and certification directly to the Township.

C. Community activities.

(1) Community activities shall have provisions for recycling containers to, at a minimum, collect commingled (aluminum, glass and plastic) beverage containers. The sponsor of the event shall be responsible for providing the containers and collection and transport by an authorized collector for these events.

(2) The sponsor shall provide and shall complete a form to be designated "Recycling Report," to be provided by the Township together with copies of all weigh slips, indicating the weight and types of all recyclables collected and the place of disposition of materials recycled. Reports shall be provided within 30 days of the event. Such persons may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township. Community activity recycling shall be reported independently of normal routine weekly pickups at the location.

SECTION 9: PRESUMPTION OF OWNERSHIP.

The presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption, for purposes of this chapter, that said municipal waste or recyclables are, or were, the property of the person whose name is found therein.

SECTION 10: PREPARATION AND STORAGE OF MUNICIPAL WASTE AND RECYCLABLES.

Any person accumulating or storing municipal waste or recyclables on private or public property within the Township, including recyclables assembled within a property owners' association, for any purpose whatsoever shall place the same, or cause the same to be placed, in a closed or covered sanitary container, in accordance with the following standards:

A. Containers used for the storage of municipal waste shall be of plastic or metal construction, equipped with lids, and waterproof. All such containers shall be approved by the Township.

B. No person, except the occupants of the property on which a waste container is placed, an authorized collector, the Township Zoning Officer or such other person as the Township may designate, and/or a duly authorized agent or representative of a property owners' association or corporation recognized as such by the Township, shall remove the lids of the container and/or remove the contents thereof.

C. All recyclables will be placed in the above mentioned containers. Prior to such placement, all containers shall be rinsed and cleaned prior to placement in the recycling container for curbside pickup.

SECTION 11: CONTRACT WITH AUTHORIZED COLLECTOR;
COLLECTION SCHEDULE.

A. Mandatory municipal waste collection services. Every owner or occupant of residential homes, apartments, and other residential establishments shall contract with an individual, entity or firm that is an authorized collector to have all municipal waste, generated on the premises by any of the occupants, removed and deposited at a permitted facility on a weekly basis or more often, unless the home, apartment or other residential building is unoccupied. Each contract must be in writing and contain the name and address of the owner or occupant of the property and the name and address of the responsible authorized collector.

B. Scheduled collection days for municipal waste. Authorized collectors shall schedule collection days, at least once per week, during which municipal waste is to be placed at the curbside, or similar location on the premises, for collection.

C. Authorized collectors shall be responsible to distribute recycling information outlining program details to each customer twice annually, once every six months, compliant with the requirements of the Township and Act 101. A copy of said information shall be provided to the Township at the time of distribution.

D. Authorized collectors contracted for residential municipal waste collection shall offer a variable rate pricing, a base price for specified number of thirty-gallon

containers of municipal waste. Collection of municipal waste in excess of the base amount shall be priced on specified incremental volumes or per thirty-gallon container.

E. Proof of contract required. Whenever requested by the Township, the owner or occupant of any residential establishment shall present proof, adequate in the judgment of the Township, that the owner or occupant of said residential establishment has a current contract with an authorized collector to dispose of municipal waste generated on the premises on a weekly basis or more often. The owner or occupant of the premises shall have 72 hours to provide proof to the Township that the owner or occupant has a current contract with an authorized collector to provide sufficient service to satisfy the terms and conditions of this ordinance.

F. Duties of collectors. Any authorized collector picking up municipal waste in the Township shall be required to advise the Township in writing, within 72 hours after request from the Township, as to whether an owner or occupant has a current contract for municipal waste disposal from his/her premises. Further, all authorized collectors shall cooperate with the Township in providing information in the event that an action is taken to enforce the terms and conditions of this chapter.

G. If persons or establishments, being so authorized by the terms hereof, collect and remove their own municipal waste and/or recyclables, they shall do so at a minimum of once weekly for municipal waste and at least once per month for source-separated recyclables and leaf waste, or more often as necessary, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this ordinance.

H. No person other than an authorized collector shall collect or remove municipal waste or recyclables from any other person's property, unless otherwise provided for herein. All agreements for collection, transportation and disposition of municipal waste and/or recyclables shall be by private contract between the owner and/or occupant of the property where the material is generated or on their behalf by a properly authorized property owners' association and the collector who is authorized to collect the same.

I. Nothing herein shall limit the right of the Township to implement public collection of solid waste and/or recyclables either by entering into contracts or by engaging in any collection practice permitted by law.

J. Nothing in this ordinance shall modify the requirements in this ordinance pertaining to the separation and collection of recyclables.

SECTION 12: TRANSPORTATION OF MUNICIPAL WASTE.

A. All authorized collectors shall prevent or remedy any spillage or leakage from vehicles or containers used in the transport of municipal waste as well as recyclables.

B. All authorized collectors of municipal waste and source-separated recyclables shall collect and remove municipal waste as well as source-separated recyclables in motor-driven vehicles having enclosed, leak proof bodies with covers made of such materials as to prevent the contents from escaping.

C. The transfer of waste or source-separated recyclables from one collection vehicle to another may not take place in the Township, except on private property in those areas of the Township designated for such by the Township, if any. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter or in any other manner constitute a nuisance, create a health hazard or violate any other ordinance of the Township, provision of statutory law or the Pike County Municipal Waste Management Authority's rules and regulations.

SECTION 13: PUBLIC LITTER BASKETS.

The Township is hereby authorized to collect municipal waste and/or recyclables to include leaf waste from Township property, to provide public litter baskets in the Township, and to dispose of such waste in either a receptacle of an authorized collector or at designated disposal sites.

SECTION 14: AUTHORIZATION OF COLLECTORS.

A. It shall be unlawful for any person, except for litter control and/or roadside cleanup personnel and others duly authorized, to collect and to transport waste of any nature or recyclables within or from the Township. Authorization to collect, transport and dispose of municipal waste and/or recyclables for persons other than oneself or persons for whom one is acting as an agent shall be licensed and approved by the Pike County Municipal Waste Management Authority.

B. All authorized collectors shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit and to service each of their customers in accordance with their current license or permit and the requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended, 53 P.S. § 4000.101 et seq.; the Solid Waste Management Act of 1980, as amended, 35 P.S. § 6018.101 et seq.; and the Waste Transportation Safety Act of 2002, as amended, 27 Pa.C.S.A. § 6201 at seq.

SECTION 15: COLLECTOR AS AN INDEPENDENT CONTRACTOR.

Any person granted a license or permit, pursuant to the terms of this chapter, shall not in any manner be construed as an agent, servant or employee of Lehman Township, but shall, at all times, be considered and remain an independent contractor. Likewise, no property owners' association or corporation which assembles municipal waste or recyclables within a development shall be construed as an agent, servant or employee of Lehman Township.

SECTION 16: BILLING PROCEDURES.

All authorized collectors shall establish rates to be charged for the removal of municipal waste and source-separated recyclables; no person or entity shall be permitted to opt out of either municipal waste collection or source-separated recyclable collection. The rate charged must be for both services. All authorized collectors shall enter into individual or separate contracts with each household or occupant of the premises, without liability to or upon Lehman Township.

SECTION 17: DISPOSAL.

Each authorized collector shall dispose of municipal waste as well as source-separated recyclables and leaf waste at a licensed and approved disposal and/or recycling facility as approved by the Lehman Township Supervisors.

SECTION 18: AUTHORIZED COLLECTORS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR CERTAIN TYPES OF PROPERTIES.

Every authorized collector shall be required to provide, in addition to municipal waste removal, to its residential, multifamily, commercial, municipal and institutional customers, the service of removing recyclables. Any such recyclables so removed by

authorized collectors shall be kept separate from municipal waste and shall be taken to a recycling or compost facility for the purpose of recycling as provided herein.

SECTION 19: DESIGNATION OF RECYCLING FACILITY.

The Township reserves the right, by resolution, to direct recyclables to a designated facility.

SECTION 20: ACCEPTANCE OF RECYCLABLES COMMINGLED WITH WASTE PROHIBITED.

No authorized collector shall accept, pick up or remove any bag or other container of municipal waste which the collector knows, or has reason to believe, contains recyclables, combined with municipal waste, placed at curbside or otherwise placed for pickup. The collector shall affix a violation notice to the container containing the recyclables.

SECTION 21: UNLAWFUL TERMINATION OF COLLECTION SERVICES.

No person shall terminate the services of an authorized collector because of said collector's compliance with the rules and regulations of this ordinance.

SECTION 22: MISSED COLLECTIONS.

In the event that any authorized collector misses a collection, the authorized collector shall collect from the missed location within 48 hours of notification from the missed person, provided that the person has abided by the terms of the contract with the authorized collector.

SECTION 23: COMPLAINTS.

A. All complaints regarding the collection of municipal waste and/or recyclables shall initially be reported to the authorized collector. Any complaint that the authorized collector fails to resolve shall be reported, in writing, to the Township.

B. The Township Board of Supervisors shall have the right to investigate all complaints and to determine the validity of any complaints received from any person as to the authorized collector's failure to act in accordance with this ordinance.

SECTION 24: COMMUNITY-ORIENTED CHARITABLE ACTIVITIES.

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized collector. Prior to initiating such activity, the organization shall obtain authorization from the Township.

SECTION 25: VIOLATIONS AND PENALTIES.

A. Any person, as defined herein, who violates any provision of this ordinance shall, 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, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs and reasonable attorneys' fees, and, in default of payment of said fine, costs and attorneys' fees, to a term of imprisonment not to exceed 90 days.

B. Each day that a violation of this ordinance continues, or each section of this ordinance which shall be found to have been violated, shall constitute a separate offense.

C. For the purposes of this ordinance, the doing of an act or thing prohibited by any provision of this ordinance or the failure to do any act or thing to which any provision of this ordinance creates an affirmative duty shall constitute a violation of this ordinance, punishable as herein stated.

D. Lehman Township shall designate an individual or entity responsible for enforcement of this ordinance.

SECTION 26: CONSTRUCTION; WORD USAGE.

The various headings used throughout this chapter are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this chapter.

In this chapter, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

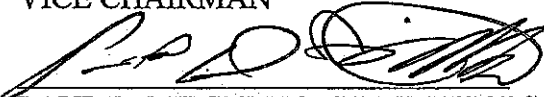
ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Lehman, Pike County, Pennsylvania, this 19th day of DECEMBER 2013.

TOWNSHIP OF LEHMAN




JOHN P. SIVICK, CHAIRMAN

RICHARD C. VOLLMER,
VICE CHAIRMAN



PAUL D. MENDITTO, SUPERVISORS

ATTEST: 
ROBERT H. ROHNER, JR.
SECRETARY/TREASURER

(TOWNSHIP SEAL)