

Chapter 170

SOLID WASTE AND RECYCLING

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 7-17-2003 by Ord. No. 2003-3; amended in its entirety 8-7-2008 by Ord. No. 2007-2. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 76.
Outdoor burning — See Ch. 92.

Junkyards — See Ch. 120.

ARTICLE I
Title; Purpose; Definitions

§ 170-1. Title.

This chapter shall be known and may be cited as the "North Middleton Township Solid Waste and Recycling Ordinance of 2003."

§ 170-2. Purpose.

The purpose of this chapter is to provide for the health, safety, and welfare of the residents of North Middleton Township by regulating the collection, storage, transportation, removal, dumping, deposit, disposal and recycling of solid waste by instituting a comprehensive solid waste management program and establishing a mandatory recycling program pursuant to the requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act¹ and any amendments thereto.

§ 170-3. Definitions.

The following words and terms, when used in this chapter, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

ALUMINUM — Lightweight ductile and malleable metallic substance or element commonly known as "aluminum" and shall include all aluminum food and beverage cans. This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

APARTMENT BUILDING — A building used for residential purposes with four or more dwelling units, and any and all other multiresidential units, including condominium units, excepting hotels, motels, tourist cabins and dormitories.

ASHES — The residue from the burning of wood, coal, coke or other combustible materials for the purpose of heating and cooking.

BULKY WASTE — Large items of solid waste requiring special handling, including but not necessarily being limited to large household appliances, such as stoves and refrigerators, plumbing fixtures, furniture, large crates, mattresses, tools, machinery or parts thereof (large bulky items may be no larger than can be lifted by two employees of the Township collector/hauler).

COMMERCIAL ESTABLISHMENTS — Establishments engaged in nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

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

COMMINGLED — Refers to placement of recyclable materials as defined herein, except newspaper, corrugated cardboard, junk mail and glossy paper, in a special recycling container for the purpose of collection without their having been segregated by color or type.

COMMUNITY ACTIVITIES — Events that are sponsored in whole or in part by the Township, or conducted within the Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics, craft fairs, and organized sporting events that will be attended by 200 or more individuals per day.

CORRUGATED CARDBOARD — Layered paper or cardboard in which one or more layers are pressed into parallel grooves or ridges and which is normally used for wrapping, packing, shipping and/or storage of dry materials. Specifically excluded from this definition are pressboard and cardboard commonly known as "Asian board" or "Asian cardboard," as well as any corrugated cardboard containing a shiny finished side or sides or which is contaminated with food or other material.

COUNTY LICENSEE — A person licensed by the county to collect, haul and/or dispose of solid waste, bulky waste and/or recyclables within North Middleton Township.

DWELLING UNIT — One or more rooms in a residential building, which room or rooms have fixed cooking facilities arranged for occupancy by one or more persons living together or one family. "Dwelling unit" shall also be deemed to mean "unit" as set forth in this chapter.

GARBAGE — All table refuse, animal and vegetable matter, offal from meat, fish and fowl, fruits, vegetables and parts thereof, and all other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

GLASS — The hard, brittle, 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; and shall for the purpose of this chapter include all materials commonly known as "glass bottles or containers." This includes all food and beverage containers made of glass of one gallon or less capacity. Excluded are blue glass, ceramics, pottery, and flat glass commonly known as "window or plate glass," light bulbs, headlights, and mirrors.

GLOSSY PAPER — Magazines and shiny newspaper inserts commonly used in advertisements.

HAULER — The solid waste and recyclables collection company authorized to collect solid waste and recyclables in North Middleton Township pursuant to the contract with the Township.

HAZARDOUS WASTE — Any chemical, compound mixture, substance, or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be "hazardous" as the term is defined by or pursuant to federal or state law, and, for the purpose of this chapter, includes "residual waste" as that term is defined by or pursuant to the Environmental Protection Agency and/or state or federal law or regulation.

HDPE — High-density polyethylene.

HIGH-GRADE OFFICE PAPER — Printed or unprinted sheets, shavings or cuttings of sulfite or sulfate ledger, bond, writing, or other paper having similar fiber or filler content, including but not limited to stationery, copy paper and computer paper, and excluding treated, coated, and padded stock.

INSTITUTIONAL ESTABLISHMENTS — Those facilities that house or serve groups of people for a common purpose, such as hospitals, schools and nursing homes.

LEAF WASTE — Leaves, garden residues, shrubbery, tree trimmings and similar material, but not including grass clippings. **[Amended 11-6-2008 by Ord. No. 2008-8]**

MANDATORY PARTICIPATION — Every household in the Township participating in the solid waste collection and recycling program initiated by the Township with the authorized hauler.

MOBILE HOME — See definition for "dwelling unit."

MOBILE HOME PARKS — A parcel or contiguous parcels of land which have been so designated and improved to contain two mobile home lots for the placement thereon of mobile homes.

MUNICIPAL ESTABLISHMENTS — Public facilities operated by the Township and any other governmental and quasi-governmental authorities.

MUNICIPALITY or TOWNSHIP — North Middleton Township.

NEWSPAPER — Types of paper made from wood pulp and/or other fibrous materials mixed together, whether with or without chemicals, to produce thin sheets of the products customarily and primarily used for the production of newsprint; "newspaper" does not include magazines or glossy paper insert commonly used in advertisements.

PERSON — Every natural person, firm, corporation, partnership, association, institution or other entity. In any provision of this chapter prescribing a fine, imprisonment or other penalty, the term "person" shall include the individual partners of a partnership and the individual officers and directors of any corporation, association or other entity having officers and/or directors.

PET — Polyethylene terephthalate.

PROCESSING CENTER — Any facility maintained for the purpose of storing, preparing, and/or consolidating recyclable materials (as defined herein) for sale.

PUBLIC NUISANCE — Any premises which is capable of being a fire, health or safety hazard due to but not limited to accumulation of any flammable materials, solid waste, recyclables, hazardous waste; or any premises which contains unauthorized accumulation of solid waste and/or recyclables.

RECYCLABLE MATERIALS/RECYCLABLES — Includes clear and colored glass, aluminum cans, plastic No. 1 (PET), such as soda bottles, and plastic No. 2 (HDPE), such as milk and water jugs, newspaper, steel, tin and bimetallic, cans, corrugated cardboard, glossy paper, high-grade office paper and such other materials as the Township may designate from time to time.

RECYCLING COLLECTION SERVICES — Those services to be performed by the Township hauler as follows:

- A. The collection and conveyance of recyclable materials;
- B. Processing of recyclable materials as applicable; and
- C. Marketing of the recyclable materials.

RECYCLING CONTAINERS — Sturdy plastic containers having a minimum capacity of 18 gallons, being of one color.

RESIDENTIAL BUILDING or RESIDENTIAL UNIT — Any occupied single- or multifamily dwelling having fewer than four dwelling units per structure.

RUBBISH — Branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, manure, and all solid combustible materials not included in this section under the term "garbage."

SOLID WASTE — All matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort and safety of the citizens of North Middleton Township; it shall include ashes, garbage, trash, and other refuse materials, but exclude human body waste, debris from household renovations, whether interior or exterior, dirt, rock, lead pipes, leaf waste and recyclables, tree trunks and large branches greater than four inches in diameter, hazardous wastes, and recyclable items as defined herein. **[Amended 11-6-2008 by Ord. No. 2008-8]**

SOLID WASTE COLLECTION SERVICES — Those services to be performed by the Township collector(s) which includes the collection of solid waste from locations specifically designated by the Township, Township collector(s), transportation of solid waste in trucks, and disposal of solid waste at a facility licensed by the Pennsylvania Department of Environmental Protection (DEP) in accordance with the Cumberland County Municipal Waste Management Waste Plan.²

TOTER CART — The ninety- to ninety-nine-gallon container to be distributed by the hauler and will remain the property of the hauler.

TOWNHOUSE — A single-family dwelling attached to another dwelling and separated by a common wall which shall include duplex, fourplex and similar dwellings.

TOWNHOUSE COMPLEX — Any group of four or more townhouse units under common ownership, management or control, whether by one or more individuals or a homeowners' association.

TOWNSHIP COLLECTION SERVICE — A service for the collection of solid waste, recyclable and leaf waste in accordance with this chapter.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

TOWNSHIP COLLECTOR — A person contracted by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste and recyclables within the Township of North Middleton, but shall not be construed as meaning that such person is an agent, employee, official, or representative of the Township.

TRUCK(S) — A vehicle used for the collection of solid waste and/or recyclables which has mounted thereon an approved type, watertight sanitary body, or which has a standard truck body made watertight and equipped with means of covering to prevent loss of material.

ARTICLE II

Establishment of Program; Preparation and Storage

§ 170-4. Recyclable materials.

- A. Residential uses. On or after October 1, 2003, It shall be mandatory for all persons who are owners, lessees, and occupants of residential units or buildings within North Middleton Township to separate and store recyclable materials and solid waste and provide for the proper disposal and/or recycling of said materials in accordance with the methods provided by this chapter as follows:
- (1) To be recycled:
 - (a) Clear glass.
 - (b) Colored glass (green, brown, and amber).
 - (c) Aluminum cans.
 - (d) Bimetallic, tin, and steel cans.
 - (e) Plastic No. 1 (PET), such as soda bottles.
 - (f) Plastic No. 2 (HDPE), such as plastic milk water jugs.
 - (g) Newspapers.
 - (h) Glossy paper.
 - (i) Corrugated cardboard.
 - (j) Junk mail.
 - (2) To be disposed of by licensed collector or contractors:
 - (a) All solid waste, as defined by this chapter.
 - (3) To be disposed of by Township or designated Township collector(s):
 - (a) Leaf waste.
- B. Commercial, municipal, or institutional establishments and community activities. On or after October 1, 2003, it shall be mandatory for all persons who are owners, lessees and

occupants of commercial, municipal or institutional establishments, and for community activities within North Middleton Township, to separate and store recyclable materials and solid waste and provide for the proper disposal and/or recycling of said materials in accordance with the methods provided by this chapter as follows:

- (1) To be recycled:
 - (a) High-grade office paper.
 - (b) Aluminum cans.
 - (c) Corrugated cardboard;
 - (d) Newspaper.
 - (e) Glossy paper.
- (2) To be disposed of by licensed collector or contractors:
 - (a) All solid waste, as defined by this chapter.
- (3) To be disposed of by Township or designated Township collector(s):
 - (a) Leaf waste.

C. Modification of recyclable materials collected. The Township of North Middleton shall have the right to designate, by resolution, additional recyclable materials and to change recyclable materials to be collected depending on feasibility and marketability of recyclable materials and requirements of Pennsylvania state law, rule or regulation.

§ 170-5. Preparation, storage and collection.

- A. Preparation of solid waste, recyclables and ashes for collection.
- (1) All solid waste shall be drained of liquids before being deposited for collection and shall be separated and stored apart from recyclable materials.
 - (2) Glass and plastic containers shall have caps and lids removed.
 - (3) Glass, cans, and plastics shall be rinsed free of contaminants.
 - (4) Newspapers shall be stacked and placed in paper bags (plastic bags prohibited) or tied with twine for recyclable collection.
 - (5) Ashes shall be stored in a noncombustible container until cool.
 - (6) Magazines, glossy and/or colored circulars/advertisements normally found within newspaper shall be removed and placed in paper bags (plastic bags prohibited) or tied with twine for recyclable collection.
 - (7) All materials shall be otherwise prepared for collection in accordance with such regulations as are established by the Township.

B. Containers.

- (1) Containers to be collected by the Township contractor or hauler.
 - (a) All solid waste, to be regularly collected by the Township contractor or hauler shall be placed in thirty- to thirty-three-gallon plastic bags purchased by individual residents for such use or trash can be placed in ninety- to ninety-nine-gallon toter, as provided by the hauler without the use of bags.
 - (b) Recyclables to be regularly collected by the Township contractor or hauler, with the exception of newspaper, glossy paper and corrugated cardboard shall be commingled and placed in a recycling container which is clearly distinguishable from the bags used for collection of solid waste. The initial containers for residential customers shall be provided by the contractor at no cost; a charge may be made for additional containers and replacement of containers for reasons other than defects therein.
 - (c) Newspaper to be regularly collected by the Township contractor or hauler shall be tied together in bundles weighing no more than 40 pounds, or shall be placed in paper grocery bags, and such newspapers shall be placed next to or on top of the recycling containers.
 - (d) Cooled ashes shall be placed in a bag for collection, provided the bag weighs less than 40 pounds, and disposed by either placing the bag in the toter cart, or by placing a tag on the bag.
 - (e) One item of bulky waste shall be included in the weekly residential collection of solid waste. The Township collector/hauler will pick up one item of bulky waste on the same day as the regularly scheduled solid waste pickup is to occur. It shall be unlawful for any person to place bulky waste on any property other than on the property at which it was generated or from which it was directly associated.
 - (f) Glossy paper (magazines and shiny newspaper inserts) shall be stacked and placed in paper grocery bags (plastic bags are prohibited) or tied with twine in bundles not to exceed 40 pounds and placed next to or on top of the recycling containers for collection.
 - (g) Corrugated cardboard shall be cut into sections three feet by three feet and placed in paper grocery bags (plastic bags are prohibited) or tied with twine in bundles not to exceed 40 pounds and placed next to or on top of recycling containers for collection.
 - (h) All solid waste placed for collection shall be enclosed entirely within the thirty- to thirty-three-gallon plastic bag purchased by the individual resident for such use, except for toter use or into the toter provided by the hauler in which no bags are required. Solid waste placed in the bag shall be in such a quantity that the plastic bag can be tied closed and all contents thereof completely confined within the bag. Taping and/or cutting of bags for the

purpose of depositing therein solid waste in an amount of excess of the bag's intended capacity is prohibited.

- (2) Ninety- to ninety-nine-gallon solid waste carts (toter carts) shall be delivered by the hauler to those residents selecting the flat rate system. Such toter carts shall remain the property of the hauler.
 - (3) All solid waste and recyclables shall be maintained for collection and pickup by the hauler in a manner that shall not be unnecessarily offensive to the senses. Furthermore, approved metal bulk containers, with watertight and tight-fitting covers, may be used for the collection and pickup of solid waste and recyclables by commercial establishments, institutional establishments, apartment buildings, townhouse complexes, and mobile home parks. Approved containers shall not be required for the collection of bulky waste which cannot be placed in said containers.
- C. Storing of solid waste, recyclables and leaf waste. No person shall store or place any solid waste or recyclable in any street, alley or public place or upon any private property, whether owned by such person or not, with the Township except in proper containers for collection or under an express approval of the Township as designated by the Board of Supervisors. No person shall throw or deposit any solid waste or recyclables along roadsides, in any stream or other body of water. Leaves fallen from trees shall not be placed or allowed to remain upon or collected in piles upon any street or sidewalk, but will be collected by the Township or Township collector(s), on dates scheduled therefor, if prepared and placed by the method as directed by the Township.

ARTICLE III

Collection Practices and Disposal

§ 170-6. Participation required; billing systems.

- A. All owners of property within the Township shall provide for the regular preparation, collection and removal of all municipal waste and recyclables generated at such properties in one of the approved manners set forth herein.
- B. On or after October 1, 2003, solid waste, recyclables and bulky waste from all residential buildings within the Township shall be collected by the authorized Township hauler. Recyclable materials shall be collected by the hauler on at least a weekly basis, on the same day as the collection of solid waste. Solid waste shall be collected by the hauler from residential buildings as often as necessary, and not less often than weekly. Solid waste shall be collected either on a per-bag system (persons or households pay for each bag of solid waste collected, each bag containing a tag, or other distinguishing marker to be purchased from the hauler) or on a flat-rate system (persons or households shall pay a fixed price on a quarterly basis and shall place all solid waste in the toter cart distributed by the hauler).
- C. All residential buildings shall participate in the solid waste and recycling program initiated by the Township with the hauler. All residential buildings shall participate by selecting and continuing in one of two alternative systems for collection: flat-rate system

or the per-bag system. Failure to participate, or termination of service for nonpayment to the hauler, shall be a violation of this chapter and punishable as hereinafter described in Article IV hereof.

- D. Those persons, households and/or residential buildings selecting the flat-rate service shall be billed a fixed charge by the hauler and payable directly to the hauler. Billing by the hauler on a quarterly basis may be in advance of service. Participants in the flat-rate system shall receive ninety- to ninety-nine-gallon toter cart to be distributed by, and remain the property of the hauler. Solid waste generated in excess of the ninety- to ninety-nine-gallon capacity shall be placed in trash bags identified with tags or other distinguishing marker sold by the hauler. Any such bags in excess of the ninety- to ninety-nine-gallon capacity of the toter cart shall be subject to an additional charge by the hauler. Such charge shall be the same per-bag cost as the per-bag cost under the per-bag system of collection.
- E. Those persons, households and/or residential buildings selecting the per-bag collection service shall purchase tags, or other distinguishing marker directly from the hauler. Participants in the per-bag system shall be required to purchase a minimum of 18 tags per year.

§ 170-7. Collection practices for residential buildings.

On or after October 1, 2003, solid waste, recyclables and bulky waste from all residential buildings within the Township of North Middleton shall be collected by the Township hauler. Solid waste shall be collected by the Township hauler from residential buildings as often as necessary, but not less often than weekly. Recyclable materials shall be collected on a weekly basis, on the same day as the solid waste.

§ 170-8. Collection practices for apartment buildings, townhouse complexes, condominium complexes, and similar complexes.

- A. On or after October 1, 2003, the owner, landlord or an authorized agent of an owner or landlord of an apartment building, townhouse complex, condominium complex, or similar complex shall establish a collection system for solid waste and recyclables at each property by contracting with a county-licensed hauler for collection of said items. The contract shall provide for a practical system of separation, storage, and collection of residents' solid waste and recyclables. The collection system must provide containers that are suitable for collecting and sorting materials, be easily accessible, and include written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents of owners or landlords shall not be liable for the noncompliance of occupants of their buildings.
- B. Recyclables shall be collected for apartment buildings as often as necessary, and not less than once a month. Solid waste shall be collected for apartment buildings as often as necessary, and not less than weekly.

- C. Failure of the owner or occupier of property to provide for the collection of solid waste and for recyclable materials as set forth in this article shall constitute a violation subject to penalty and enforcement as provided by Article IV.
- D. While it is recognized that individual contract/homeowners' agreements exist that may preclude participation by October 1, 2003, mandatory participation will become necessary at the expiration of said agreements/contracts.
- E. Recyclables shall be reported to the Township on a quarterly basis. The hauler, on behalf of the apartment buildings, townhouse complexes, and condominium complexes, shall complete the report and file with the Township by the 15th of the month following the end of the quarter.

§ 170-9. Collection practices for commercial, municipal and institutional establishments.

- A. On or after October 1, 2003, commercial, institutional and municipal establishments shall provide for the collection of solid waste and recyclables by contracting with a county licensee. A failure by said establishments to do so shall constitute a violation of this chapter subject to enforcement and penalty as provided in Article IV.
- B. Recyclables shall be collected from commercial, institutional and municipal establishments as often as necessary, and specifically at least once a month. Solid waste shall be collected from commercial, municipal, and institutional establishments as often as necessary, and specifically at least weekly.
- C. Recyclables shall be reported to the Township on a monthly basis. The hauler, on behalf of the commercial, institutional and municipal establishments, shall complete the report and file with the Township by the 15th day of the following month.

§ 170-10. Points of collection.

- A. Collection by county licensee(s), Township contractor or hauler.
 - (1) Points of collection of solid waste and recyclables are a matter for agreement between the private parties involved; provided, however, that such points shall be subject to the power of regulation of the Township, that no cartway of a road, street, or alley shall be employed as a point for the placing of waste containers, and that such points shall not constitute a nuisance, health or safety peril, or unnecessary offense to the senses.
 - (2) No material shall be placed for collection earlier than 6:00 p.m. the day preceding a scheduled collection day. Licensed haulers shall not collect residential municipal waste from properties within the Township limits on Sunday.
- B. All bags containing solid waste shall be tied shut as described in Article II, § 170-5B(1)(h), herein.
- C. Recyclable materials and solid waste that has been scattered or spilled from recycling containers or bags, other than through the negligence of the collector, shall be replaced

promptly in the recycling container or bag, as the case may be, by the property owner, lessee and/or resident.

§ 170-11. Hazardous waste disposal.

Hazardous waste shall not be placed in containers or bags for regular collections but shall be handled and disposed of in an alternate and safe manner and in accordance with all applicable federal, state, and local statutes, ordinances, rules and regulations.

§ 170-12. Collection by unauthorized persons.

It shall be unlawful for any person unauthorized by the Township to collect or remove solid waste or recyclable items from any other person's property. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 170-13. License or contract required to collect, haul or dispose of solid waste and/or recyclables.

A. Licenses.

- (1) Any person(s) wishing to collect, transport, and dispose of solid waste and recyclables generated in the Township is required to obtain a license from Cumberland County. The license shall be issued by the Cumberland County Solid Waste Department, Cumberland County, Carlisle, PA, 17013.
- (2) The collection, transport and disposal of solid waste and recyclables generated by sources other than commercial, municipal and institutional establishments, unless otherwise specified in this chapter, shall be on an exclusive basis awarded to the hauler pursuant to a contract between the Township and the hauler after the submission of bids.
- (3) It shall be unlawful for any person, other than a county licensee to collect, haul and/or dispose of solid waste, bulky waste, or recyclables in the Township of North Middleton or to perform or engage in solid waste and/or recycling collection services unless a license to collect, haul and/or dispose of such solid waste, bulky waste and recyclables shall have been first obtained. Any collection, hauling and/or disposal of solid waste and/or recyclables in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.
- (4) Nothing herein shall limit the right of the Township to implement public collection of solid waste, whether by entering into contracts or by engaging in any collection practice permitted by law.

- B. All Township contractor(s) shall provide proof to the Township that each vehicle covered by the license is registered and permitted in accordance with the regulations of the Solid Waste Authority/Department of Cumberland County.

- C. To the extent permitted by law, the Township shall:
- (1) Use reasonable efforts to inform residents of the benefits which may be obtained from recycling, and the types of waste which are recyclable.
 - (2) Use reasonable efforts to enforce the rules and regulations relating to containers for recyclables and proper preparation of recyclables by residents for collection by the Township contractor(s).
 - (3) Use reasonable efforts to obtain the cooperation of the private solid waste collection hauler(s) with respect to mailing or delivering notices to residents, placing recycling stickers or signs on collection vehicles, or in other ways.
- D. Subject to the exception in the case of a vehicle carrying bulky waste having no capacity to escape in any form by reason of the vehicle not being watertight, no vehicle employed by the Township or any person in the collection or hauling of solid waste under this chapter shall be other than a watertight one. All vehicles employed in the collection or hauling of solid waste under this section must be provided with a tight cover so as to prevent offensive odors from escaping therefrom and solid waste from being blown, dropped, or spilled.
- E. The Township contractor(s) shall report any violation of this chapter observed by them to the Township.
- F. The Township contractors shall, on a monthly basis, by the 15th day of the following month, provide a recycling report to the Township which shall be submitted in the form requested by the Township, and shall include complete information with respect to the amounts of each recyclable material collected during the preceding quarter.

§ 170-14. Unlawful disposition of recyclables.

It shall be unlawful for any person to dispose of any recyclable material or item as defined herein by commingling said recyclables with other solid waste not required to be recycled or to dispose of such items in other places that will not ensure that said items are recycled. Such action shall be a violation of this chapter subject to enforcement and penalty as set forth in Article IV hereof.

§ 170-15. Unlawful disposition of solid waste.

It shall be unlawful for any person to deposit for collection any solid waste, including bulky items, not generated from the address from which collection is made or to bring any solid waste into the Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection. Such action shall be a violation of this chapter subject to enforcement and penalty as set forth in Article IV hereof.

§ 170-16. Donations or sale of recyclables.

Notwithstanding any provision herein to the contrary, any Township resident or owner of property in the Township may donate or sell any recyclable item or material to any other person or properly permitted and licensed processing center, whether or not for a profit. The donated or sold recyclable items or material, however, shall not be collected by the recipient or purchaser thereof from the location where it is placed for collection unless with prior written permission from the Township.

§ 170-17. Exclusions.

- A. Normal farming operations. Nothing contained herein shall prohibit a farmer, or anyone engaged in what is commonly referred to as "farming practices," including composting or spreading of manure or other produced agricultural wastes not otherwise prohibited or regulated for land applications, from continuing such operations.
- B. Hazardous or residual wastes. The provisions of this chapter do not apply to anything but the storage, collection, transportation and disposal of solid waste, recyclables and bulky waste and do not apply therefore to hazardous or residual wastes as defined by the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act and its amendments.³ All hazardous or residual waste must be disposed of in compliance with applicable state and federal laws and regulations.

§ 170-18. Incorporation of bidding documents and contract.

The Township will enter into an exclusive contract for the collection of municipal waste and recyclables, the terms and conditions of said contract, as well as the bidding documents relating thereto, shall apply to the owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated.

ARTICLE IV**Violations and Penalties; Enforcement****§ 170-19. Violations and penalties.**

- A. Any person, including the exclusive hauler and any other haulers operating within the Township, who shall violate any provision of this chapter, or who assists in the violation of any provisions of this chapter, shall be liable, upon conviction for the first offense and upon summary conviction for each subsequent offense, to a fine of not more than \$1,000, together with the cost of prosecution, including reasonable attorneys' fees, in each case. Every violator of the provisions of this chapter shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense. Fines and costs imposed under the provisions of this chapter shall be enforceable and recoverable in the manner

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

and at the time provided by applicable law. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding 90 days.⁴

- B. It shall also be in violation of this chapter for any person to interfere with a Township contractor or hauler in its performance of collecting, transporting and/or disposing of recyclable materials and/or solid waste.
- C. Any premises on which conditions of waste exist causing it to be a public nuisance is prohibited. Failure to resolve or remedy said public nuisance after receiving written notice to do so shall be deemed a violation of this chapter punishable as herein provided.
- D. The presence of any articles containing a person's name among solid waste or recyclables shall create a rebuttable presumption that said solid waste or recyclables are the property of the person whose name is found therein. This presumption can only be rebutted by clear and convincing evidence to the contrary.
- E. Nothing herein is intended to preclude the Township's exercise of any additional remedies in law or equity, for noncompliance with this chapter, all in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act and the Second Class Township Code.

§ 170-20. Enforcement.

The Township Manager, Zoning Officer and/or Code Enforcement Officer, or any other agent designated by the Board of Supervisors of the Township of North Middleton shall have the authority to enforce the provisions of this chapter.

ARTICLE V **Recycling Awareness Program**

§ 170-21. Establishment of program.

The Township of North Middleton shall establish a comprehensive and sustained public information and education program concerning the recycling program, features and requirements in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act.

ARTICLE VI **Burning**

§ 170-22. Burning of recyclable materials prohibited.

No burning of recyclable materials shall be done or permitted by any owner, occupier, or user of property.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 170-23. Burning of nonrecyclable waste.

Burning of nonrecyclable solid waste shall be done and permitted only as authorized by law or regulation of the Township and the Commonwealth of Pennsylvania or its regulatory agencies.