

**DELAWARE TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 206**

**AN ORDINANCE OF DELAWARE TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, PROVIDING FOR A CURBSIDE RECYCLING PROGRAM AND GOVERNING THE COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE IN THE TOWNSHIP OF DELAWARE, PIKE COUNTY, PENNSYLVANIA.**

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF DELAWARE TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME, AS FOLLOWS:**

**PART I-GENERAL**

**1. SCOPE.**

This Ordinance shall provide a recycling program and govern all aspects of the collection, storage, transportation, processing, and disposal of municipal solid waste in Delaware Township. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal, and institutional establishments, and community activities.

**2. PURPOSE.**

An Ordinance to establish a program for the curbside collection of designated co-mingled recyclable materials from residences and properties receiving municipal waste collection services in the Township of Delaware, for recycling purposes. To prohibit the disposal of designated recyclable materials into the conventional municipal waste disposal system. To empower the Township to promulgate and adopt reasonable rules and regulations thereof and to fix penalties for violation of this Ordinance.

**3. DEFINITIONS**

**Licensed Hauler-** A person licensed by the Federal, State and/or County government to collect, haul, or transport municipal waste and recyclables for the purpose of disposal.

**Municipal Waste-** Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semi-solid, or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and which are not classified as residual or hazardous waste. The term does not include recyclables.

**Recyclables-** Materials designated as recyclable by this Ordinance and a licensed hauler and required to be kept separate from municipal waste. Such recyclables include but are not limited to: aluminum cans; bimetallic cans; corrugated paper; newspaper; paper; plastics and steel cans.

#### **4. DUMPING/LITTER**

1. No person shall store, process or dispose of any regulated municipal waste or recyclables except at a facility or in preparation for collection by a licensed hauler. Any accumulation, dumping or depositing of any municipal waste or recyclables on any private or public property is hereby prohibited.
2. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream or body of water, or on any public right-of-way within the Township.
3. No person shall process or dispose of municipal waste or recyclables through burning.
4. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading manure or other farm produced agricultural waste, provided such activities are in accordance with all applicable laws, rules and regulations.
5. Bulk containers shall not be permitted to overflow or have waste strewn or left about the ground. A violation of this provision shall be deemed a violation of the Ordinance by the person on whose property the container is located, if located on private property.

#### **PART II- RECYCLING/MUNICIPAL WASTE**

##### **5. SEPARATION OF RECYCLABLES**

- A. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent possible by the following provisions:
  1. Owners and occupants of all residential properties shall comingle all recyclables.
  2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall comingle all recyclables.
  3. All recycled glass containers shall be kept intact, and shall not be broken.
  4. From time to time, the Township Supervisors may by Resolution enumerate additional recyclables.

##### **6. DISPOSAL OR PLACEMENT FOR REMOVAL OF RESIDENTIAL RECYCLABLES (OTHER THAN MULTI-FAMILY DWELLINGS).**

- A. For residential properties other than multi-family dwellings, all recyclables which are required to be kept separate from municipal waste in residential properties, shall be placed at curbside or at an appropriate location on the premises to be collected at times designated by the licensed hauler. The frequency of such collection shall not be less than once per month.
- B. The recyclables are to be collected by a licensed hauler once it is placed at curbside.

**7. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FOR MULTI-FAMILY DWELLINGS AND COMMUNITY ASSOCIATIONS THAT PROVIDE CENTRAL AREA PICK UP.**

- A. For multi-family dwellings and Community Associations with central area pick up, all recyclables which are required to be kept separate from municipal waste in residential properties, shall be picked up by the licensed hauler, separately from municipal waste in a prearranged manner. The frequency of such collection shall not be less than once per month.
- B. The Landlord of every multi-family dwelling and Community Association with central area pick up shall require, by clause in the lease or other enforceable rule or regulation, that the tenants in such property or Association members comply with the requirements of this Ordinance governing separation and disposal or placement for removal of recyclables in multi-family dwellings and central area pick up of Community Associations. Every such Landlord shall set up a convenient and practical collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such dwellings.
- C. Said collection system must include suitable containers for collecting recyclables, easily accessible locations for the containers, and written instructions to the occupants and members concerning the use and availability of the collection system.
- D. Landlords and Associations who comply with the aforementioned requirements relative to multi-family dwellings and central area pick up shall not be liable for the non-compliance of occupants or members.

**8. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FOR 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 properties, and community activities shall be either directly delivered to a recycling center, or shall be picked up by the licensed hauler, separately from municipal waste in a prearranged manner. The frequency of such collection shall not be less than once per month. Commercial, municipal, and institutional establishments and properties, and community activities shall not place recyclables within the public right-of-way for curbside collection.

**9. RECYCLING REPORTS**

- A. The "Recycling Report" and all weigh slips obtained from the facility or facilities to which recyclables were delivered or taken shall be submitted quarterly to the County. Each report shall be submitted on or before the last day 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.

## **10. COLLECTION BY UNAUTHORIZED PERSON**

- A. It shall be a violation of this Ordinance for any person unauthorized by the Township to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one (1) or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

## **11. PRESUMPTION OF OWNERSHIP OF MUNICIPAL WASTE AND RECYCLABLES.**

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

## **12. PREPARATION AND STORAGE OF MUNICIPAL WASTE.**

- A. Any person accumulating or storing municipal waste or storing municipal waste on private or public property in the Township for any purpose whatsoever shall place the same, or cause the same to be placed, in a sanitary closed or covered containers in accordance with the following standards:
  - 1. Containers used for the storage of municipal waste, shall be metal, plastic or fiberglass construction, rust and corrosion resistant and equipped with lids and waterproof or be an approved recycling container which shall not exceed thirty (30) gallons.
  - 2. No person, except the occupants of the property on which a waste container is placed, a licensed hauler, and/or Township Zoning Officer shall remove the lids of the container and/or remove the contents thereof.

## **13. REQUIRED COLLECTION AND HOURS OF COLLECTION.**

- A. If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum of fourteen (14) days or at shorter intervals, 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.
- B. No person other than a licensed hauler shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the licensed hauler who is to collect such waste.
- C. Nothing herein shall limit the right of the Township to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by law.
- D. Nothing herein shall modify the requirements of this Ordinance pertaining to recyclables. Nothing in this Section shall impair the ability of the Township to provide a system of the Township residents to utilize such system of public collection of leaf waste.

**14. REQUIRED COLLECTION AND HOURS OF COLLECTION.**

- A. Any person transporting municipal waste within the Township shall prevent or remedy any spillage or leakage from vehicles or containers used in the transport of such municipal waste.
- B. Vehicles used for hauling refuse shall meet all Federal, State, and County requirements for vehicles used for hauling refuse.
- C. The transfer of waste from one (1) collection vehicle to another may not take place in the Township, except on private property so designated by the Township, if any.

**15. PUBLIC LITTER BASKETS.**

- A. The Township is hereby authorized to collect municipal waste from Township property, dispose of such waste in either a receptacle of a licensed hauler or at designated disposal sites.

**PART III - COLLECTOR'S DUTIES**

**16. AUTHORIZATION OF COLLECTORS**

- A. All licensed haulers shall comply with all Federal, State and County requirements for being a licensed hauler in the Township.
- B. Every hauler shall be required to provide to its residential, multi-family, commercial, municipal and institutional establishments and properties the service of removing recyclables from their properties at curbside or an appropriate location on the premises. All recyclables shall be kept separate from municipal waste, and shall be taken to a recycling facility for the purpose of recycling.

**17. DESIGNATION OF FACILITY**

- A. The Township reserves the right by Resolution to direct recyclables to a designated facility.

**18. MISSED PICK UP**

- A. In the event of any missed pick-up, the hauler shall collect from the missed location within twenty-four (24) hours of notification from the missed resident provided the resident has abided by the terms of their contract with the hauler.

## **PART IV- MISCELLANEOUS PROVISIONS**

### **19. VIOLATION AND PENALTY**

- A. Any person who violates any provision of this Ordinance, or who resists or interferes with any officers, agents, or employees of the Township who shall, upon conviction thereof, be sentenced to pay a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars ((\$1,000.00) and costs of prosecution or in default of payment of such fines and costs, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days. Each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For the purposes of this Section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.
  
- B. Every hauler shall be required to provide to its residential, multi-family, commercial, municipal and institutional establishments and properties the service of removing recyclables from their properties at curbside or an appropriate location on the premises. All recyclables shall be kept separate from municipal waste, and shall be taken to a recycling facility for the purpose of recycling.

### **20. SEVERABILITY**

- A. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of the Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

### **21. CONSTRUCTION**

- A. The various headings used through this Ordinance 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 Ordinance. In this Ordinance, 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.

### **22. EFFECTIVE DATE**

- A. This Ordinance shall become effective immediately.

### **23. REPEALER**

- A. All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

ORDINANCE ORDAINED AND ENACTED this 11 day of May, 2016, by the Board of Supervisors of Delaware Township, Pike County, Pennsylvania.

**BOARD OF SUPERVISORS  
DELAWARE TOWNSHIP**

  
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**JEFFREY SCHEETZ, CHAIRMAN**

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**THOMAS M. RYAN, VICE CHAIRMAN**

  
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**JOHN HENDERSON, SUPERVISOR**

**ATTEST:**

  
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**KRISTA PREDMORE  
TOWNSHIP ADMINISTRATOR/ ASST. TREASURER**