

ORDINANCE NO. 5 - 2008

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, ESTABLISHING A PROGRAM FOR COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL WASTE AND FOR RECYCLING, INCLUDING MANDATORY SOURCE SEPARATION, SEPARATE COLLECTION AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS; PROVIDING FOR THE REGULATION OF PRIVATE HAULERS; PROHIBITING THE DISPOSAL OF DESIGNATED RECYCLABLE MATERIALS AND LEAF WASTE WITH MUNICIPAL WASTE; PROHIBITING THE BURNING OF DESIGNATED RECYCLABLES AND LEAF WASTE; EMPOWERING THE TOWNSHIP OF STROUD TO ADOPT AND PROMULGATE REASONABLE REGULATIONS (POLICIES AND PROCEDURES) THEREOF; FIXING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING PREVIOUS ORDINANCE NO. 12 - 2001.

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RECYCLING

§101. ESTABLISHMENT AND INTENT .

1. This Ordinance hereby establishes a program for collection, storage, transportation, processing and disposal of municipal waste and for the mandatory source separation and separate curbside collection and recycling of designated recyclables; providing for the regulation of private haulers; disposal of designated recyclables and leaf waste recycling with municipal waste; prohibiting the burning of designated recyclables and leaf waste; empowering the Township to adopt reasonable regulations (policies and procedures) thereof, and fixing penalties for violation of this Ordinance.
2. All domestic, commercial, institutional and industrial recyclables accumulated upon any property within Stroud Township shall be collected and removed by a private hauler who shall be permitted by the State of Pennsylvania. Waste shall be disposed of in accordance with the Solid Waste Management Act and the Monroe County Municipal Waste Plan.
3. This Ordinance shall provide mandatory participation in the recycling program in accordance with the requirements of Act 101 of 1988 and govern all aspects of the collection, storage, transportation, processing and disposal of municipal solid waste in Stroud Township. It contains regulations that are applicable to collectors of municipal waste and/or recyclables, individuals, developments and commercial, municipal and institutional establishments, and community activities.

§102. PURPOSE.

An Ordinance to establish a program in accordance with the requirements of Act 101 of 1988 for the mandatory source-separation, separate collection and recycling of designated recyclable materials, and composting of leaf waste, from residences and properties receiving municipal waste collection service from or on behalf of the Township of Stroud for recycling and composting 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 therefore, and to fix penalties for violation of this Ordinance.

§103. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning appears clearly from the context:

AGENT - one who performs an act for his immediate family or for another person as defined in this Ordinance, with or without compensation.

ALUMINUM CANS - empty, all-aluminum beverage and food containers.

AUTHORIZED COLLECTOR - a Private Hauler (as defined herein), or a person who, being so authorized by the terms of this Ordinance, who removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent of another person.

BI-METALLIC 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, televisions sets and other large household items.

COLLECTOR - a general term referring to any person who collects, for removal from premises, municipal waste or recyclables.

COMMERCIAL - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, 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 Ordinance by a mandated municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

COMPOSTING - the process of the biological decomposition of organic solid waste being biologically decomposed under controlled anaerobic or aerobic conditions to yield 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 COLLECTION - a method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties by

placing them at curbside at a time designated by Stroud Township for collection and removal thereof for delivery to a recycling center.

CURBSIDE - that location at the edge of any lot, parcel or piece of land adjacent to a public right-of-way or roadway, and which location is most accessible and/or convenient to any authorized collector, as defined by this Ordinance, for the purpose of collecting municipal waste and/or recyclables.

DESIGNATED RECYCLABLES - those recyclable materials specified by Stroud Township for collection under its mandatory recycling program.

DEVELOPMENT - a recorded residential subdivision in which homeowners are members of a duly organized, validly existing property owners association or corporation and which has been recognized by and registered with the Board of Supervisors of Stroud Township, as required by this Ordinance.

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.

DISPOSAL AREA - any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

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.

LEAF WASTE - Shall mean leaves from trees, bushes and other plants, garden residue, shrubbery and tree trimmings and similar materials, but not including grass clippings.

LANDLORD - the owner of residential property, made subject to a lease, or such owner's authorized agent.

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.

MULTI-FAMILY 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 - of, or pertaining to, any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, Stroud Township, any Counties, Cities, Boroughs, Townships and municipal authorities.

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 or 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 with 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 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 - paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper and any other paper products of any nature.

PERSON - any agent, 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.

PLASTIC CONTAINERS - empty plastic food and beverage containers, the specific types of which are:

#1 PET (e.g., soft drink bottles).

#2 HDPE (e.g., milk and water jugs, detergent and shampoo bottles and similar items).

Other such plastic as may be designated by resolution of the Stroud Township Supervisors.

PRIVATE HAULER - a person licensed by the State of Pennsylvania as per the amended Title 25 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect haul transport municipal waste and recyclables. All such haulers shall comply with the provisions of Title 27, as well as all Federal, State, County and local laws and regulations.

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 (as defined herein).

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:

- (1) Any composting facility.
- (2) Methane gas extraction from a municipal waste landfill.
- (3) Any separation and collection center, drop-off point or collection center for recycling, or any source-separation or collection center for composting leaf waste.
- (4) Any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.

RESIDENT - any person residing or sleeping in a building; or having possession of a space within a building.

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 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 1 year constitutes disposal. This presumption may be overcome only by clear and convincing evidence to the contrary.

TOWNSHIP - Stroud Township, Monroe County, Pennsylvania.

TRANSFER STATION - a facility that 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 offsite refuse. 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 designated location of a container within the development where agents of the lot's owners have deposited municipal waste collected from the development residences for subsequent collection and disposition by a private hauler.

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, leaf waste or material approved by the Commonwealth of Pennsylvania, Department of Environmental Protection for beneficial use.

§104. DUMPING; LITTER

1. 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 in any stream, body of water or on any public right-of-way within the Township.
2. Every owner of property or occupant thereof responsible for such 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 their 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. Such owner or operator may place appropriate waste containers on the sidewalks in front of or adjacent to, their premises at a point that will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.
3. 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.

4. 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 be conducted in accordance with all applicable laws, rules and regulations.
5. 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 Section by the person on whose property the bulk container is located, if it is located on private property.
6. No waste or recyclables shall be allowed to neither 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.
7. From time to time, the Township Supervisors may, by resolution, enumerate alternative recyclables, which will require to be separated from municipal waste and collected in accordance with this Ordinance provided a 60-day notification is given to private haulers and residents.

§105. OPEN BURNING.

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

Exceptions to Open Burning Prohibition

- a. Open fires may be set in the performance of an official duty of any public officer if the fire is deemed necessary for the prevention of a fire hazard, which cannot be abated otherwise; and for the protection of public health.
- b. No open burning shall occur during any fire ban emergency declared pursuant to this provision.
- c. 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.
- d. Campfires and wood fires for food preparation.

§106. MANDATORY SOURCE SEPARATION OF RECYCLABLES.

1. Recyclables and leaf waste shall be kept separate from municipal waste, for the purpose of recycling and composting respectively, to the extent required by the following provisions:
 - A. Owners and occupants of all residential properties shall keep separate the following designated recyclables: clear glass containers, brown glass containers, green glass containers, aluminum cans, tin cans, plastics #1 and plastics #2, and newspapers. Leaf waste is required to be separated for the purpose of composting.

B. Owners and occupants of all commercial, municipal and institutional establishments and properties and organizers of community activities shall keep separate the following recyclables: clear glass containers, brown glass containers, green glass containers, aluminum cans, corrugated, newspapers, plastics #1 and plastics #2, and high-grade office paper. Leaf waste shall also be kept separate for the purpose of composting. Owner and occupants of commercial, municipal and institutional establishments may seek an exemption to the requirements of this Chapter (as specified under Act 101, Section (c)(1)(iii)) if the owners and occupants have otherwise provided for recycling of the materials they are required by this Section to recycle. To be eligible for an exemption a commercial, municipal or institutional solid waste generator must annually provide written documentation to the Township on the type of materials recycled and their weight. of the total number of tons recycled.

C. Additionally, the Township may subsequently enumerate additional recyclables that will be required to be separated from municipal waste and collected in accordance with this Ordinance, provided a 60 day notification is provided to private haulers and residents.

D. Corrugated paper shall be placed in easy-to-manage bundles not to exceed (50) fifty-pounds and kept dry. Glass containers and aluminum cans shall be emptied and cleaned. Aluminum cans and glass containers may be mixed together and placed in containers initially provided by the Township. High-grade office paper shall be placed in boxes not to exceed (50) fifty-pounds. Recyclables shall not be placed in the same garbage can or other container as or otherwise mixed with, municipal waste for collection, removal or disposal. Recyclables shall not be placed in plastic bags or other disposable bags or containers made of polyethylene or other similar base.

E. Recyclables may be set out for collection in a manner different from the requirements in paragraph B (above) if the authorized private hauler that is approved by the Township designates an alternative manner.

§107. MANDATORY SOURCE SEPARATION OF LEAF WASTE.

1. Unless otherwise provided for composting, all persons who gather leaf waste shall keep leaves from trees, bushes and other plants, garden residue, shrubbery and tree trimmings and similar materials 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 its leaf composting facility. The leaf waste collection schedule shall be advertised by the Township two weeks prior to the fall and spring collections.
2. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch, or other agricultural or horticultural purposes.

§108. PLACEMENT AND SCHEDULE FOR REMOVAL OF RESIDENTIAL RECYCLABLES (OTHER THAN MULTI-FAMILY HOUSING PROPERTIES).

1. 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 some appropriate location on the premises, to be collected at times designated by the Township. The frequency of such collection shall be not less than twice per calendar month during the first and third week of each month.

§109. PLACEMENT OF RECYCLABLES FROM MULTI-FAMILY HOUSING PROPERTIES.

1. For Multi-family dwellings, all recyclables, which are required to be kept separate from municipal waste, in residential properties, shall be picked up by a private hauler separately from municipal waste, in a prearranged manner for the exclusive purpose of recycling.
2. The owner, landlord or agent or, when appropriate, the board of directors, of every Multi-family dwelling shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this Ordinance governing separation and/or placement for removal of recyclables in Multi-family dwellings. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and placement for removal of recyclables generated by the residents of such properties.
3. The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.
4. Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to Multi-family dwellings shall not be liable for the noncompliance of occupants of their building.

§110. PLACEMENT OF RECYCLABLES COMMERCIAL, MUNICIPAL, INSTITUTIONAL AND COMMUNITY ACTIVITIES.

All recyclables, which are required to be kept separate from municipal waste in commercial, municipal and institutional establishments and properties and community activities, either shall be delivered directly to a recycling center or shall be picked up by an authorized private hauler separately from municipal waste, in a prearranged manner, for the exclusive purpose of recycling. 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 Multi-family housing properties.

§111. RECYCLING PLAN AND REPORTS FOR COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES.

1. Every commercial, municipal and institutional establishment and community activity sponsor or organizer shall annually complete a form to be designated "Recycling Plan for Commercial, Municipal and Institutional Establishments and

Community Activities," to be provided by the Township, on which the establishment or sponsor shall set forth its planned method for removal of recyclables.

A. On the recycling plan, each establishment shall set forth its name, the address of the premises to which the plan pertains, the name and address of the building owner, the name and address of the Private Hauler who regularly services the establishment, the method of municipal waste disposal utilized by the establishment if no Private Hauler is used, and, in such case, where the waste is disposed of.

B. The recycling plan shall further set forth the name and business address of the employee or other person responsible for arranging disposal or removal of municipal waste and recyclables within the establishment, the method by which recyclables will be removed by the establishment, who will remove the recyclables, and the destination of the recyclables.

C. The operator of the business or other establishment occupying the premises, whether or not such person is the owner of the building, shall be responsible for filing the recycling plan. For community activities, the sponsor or organizer shall be responsible for filing the recycling plan.

D. The recycling plan required hereby must be submitted annually to the Township at its designated office, and shall be acted upon and either approved or disapproved by the Township's designated official within 60 days of proper filing thereof. If no action is taken within 60 days, then the plan shall be deemed approved. Any person required by this Section to complete and submit a recycling plan and obtain approval thereof, and who fails to do so, shall be guilty of a violation of this Section.

E. If, during any calendar year, the identity of the commercial, municipal, or institutional establishment or community activity sponsor, the method of removing recyclables, or the identity of the Private Hauler regularly servicing the property shall change, then the establishment or sponsor shall, at the time of such change(s), submit a revised recycling plan for the balance of the calendar year, accurately setting forth the change(s).

2. Each commercial, municipal and institutional establishment and community activity sponsor or organizer shall complete a form to be designated "Recycling Report," to be provided by the Township, which shall indicate where the property's recyclables were delivered or picked up by whom. Such report shall provide information on the type and amount of each material recycled.

A. The recycling report and all weigh slips obtained from the facility or facilities to which the recyclables are delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and recycling reports quarterly to the Township, the private hauler who removed the recyclables from the property may be the agent for the commercial, municipal and institutional establishment and community activity sponsor or organizer and shall be responsible for completing and submitting such to the Township. Each such quarterly recycling 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.

§112. RECYCLING PLAN AND REPORT FOR MULTI-FAMILY HOUSING.

1. The landlord of every multi-family housing property shall annually complete a form to be designated "Recycling Plan for Multi-family Housing Properties," to be provided by the Township, on which the landlord shall set forth his planned method for removal of recyclables.

A. One such plan shall be completed and submitted for each property. All pertinent information requested on the plan shall be provided prior to submission. Each such recycling plan shall set forth the name and address of the landlord, the address of the property to which the plan pertains, and the name and address of the Private Hauler who regularly services the property.

B. The recycling plan shall further set forth the name and business address of the employee or other person responsible for arranging disposal or removal of municipal waste and recyclables within the property, the method by which recyclables will be removed from the property, who will remove the recyclables, and the destination of the recyclables.

C. The recycling plan required hereby must be submitted quarterly to the Township at its designated office, and shall be acted upon and either approved or disapproved by the Township's designated official within 60 days of proper filing thereof. If no action is taken within 60 days, then the plan shall be deemed approved. Any person required by this Section to complete and submit a recycling plan and obtain approval thereof, and who fails to do so, shall be guilty of a violation of this Section.

D. If, during any calendar year, the identity of the landlord, the method of disposing of recyclables, or the identity of the Private Hauler regularly servicing the property shall change, then the landlord of such multi-family housing property shall, at the time of such change(s), submit a revised recycling plan for the balance of the calendar year, accurately setting forth such change(s).

2. The landlord of every multi-family housing property and every commercial, municipal and institutional establishment and community activity sponsor shall complete a form to be designated "Recycling Report," to be provided by the Township, which shall indicate where the property's recyclables were delivered or picked up by whom. Such report shall provide information on the type and amount of each material recycled.

3. The recycling report and all weigh slips obtained from the facility or facilities to which the recyclables are delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and recycling reports quarterly to the Township, the private hauler who removed the recyclables from the property may be the agent for the landlord, operator of the establishment or sponsor of the activity and shall be responsible for completing and submitting such to the Township. Each such quarterly recycling 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.

§113. RECYCLING REPORT FOR PRIVATE DEVELOPMENTS.

1. Private developments and property owners association shall annually complete a form to be designated "Recycling Plan for Private Developments " to be provided by the Township, on which the development shall set forth a planned method for removal of recyclables. All recyclables, which are required to be kept separate from municipal waste in residential properties, either shall be collected curbside by the development and delivered directly to a recycling center or shall be picked up by an authorized private hauler separately from municipal waste, in a prearranged manner, for the exclusive purpose of recycling.

A. One such plan shall be completed and submitted for each development. All pertinent information requested on the plan shall be provided prior to submission. Each such recycling plan shall set forth the name and address of the development, and the name and address of the private hauler or haulers who regularly services the development, the method of municipal waste disposal utilized by the development, if no private hauler is used, and in such case, where the municipal waste is disposed of.

B. The recycling plan shall further set forth the name and business address of the employee or other person responsible for arranging disposition or removal of municipal waste and recyclables within the property, the method by which recyclables will be collected and removed from the property, who will remove the recyclables, and the destination of the recyclables.

C. The recycling plan required hereby must be submitted annually to the Township at its designated office, and shall be acted upon and either approved or disapproved by the Township's designated official within 60 days of proper filing thereof. If no action is taken within 60 days, then the plan shall be deemed approved. Any person required by this Section to complete and submit a recycling plan and obtain approval thereof, and who fails to do so, shall be guilty of a violation of this Section.

D. If, during any calendar year, the method of collecting or disposition of recyclables, or the identity of the private hauler regularly servicing the property shall change, then the development shall, at the time of such change(s), submit a revised recycling plan for the balance of the calendar year, accurately setting forth such change(s).

2. Each development shall complete a form to be designated "Recycling Report," to be provided by the Township, which shall indicate where the property's recyclables were delivered or picked up by whom. Such report shall provide information on the type and amount of each material recycled.
3. The recycling report and all weigh slips obtained from the facility or facilities to which the recyclables are delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and recycling reports quarterly to the Township, the private hauler who removed the recyclables from the property may be the agent for the development and shall be responsible for completing and submitting such to the Township. Each such quarterly recycling 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.

§114. PRIVATE HAULERS RECYCLING REPORTS.

All private haulers shall submit to the Township a recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken. The said weight slips shall indicate the weight of all recyclables collected from within the Township. Each such quarterly recycling 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.

§115. COLLECTION BY UNAUTHORIZED PERSON.

From the time of placement of residentially generated recyclable items for collection in accordance with the terms of this Section, the items shall be and become the property of the private hauler. It shall be a violation of this Section 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 or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

§116. PRESUMPTION OF OWNERSHIP OF MUNICIPAL WASTE AND RECYCLABLES.

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

§117. 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 development, 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 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, a private hauler, the Township Zoning Officer or such other person as the Township may designate and are duly authorized agent or representative of 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 plastic containers shall have the tops removed. All containers

shall be rinsed and cleaned prior to placement in the recycling container for curbside pickup.

§118. REQUIRED COLLECTION.

1. No person other than an authorized hauler shall collect or remove municipal waste or designated 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 or occupant of the property where the material is generated or on their behalf by a properly authorized property owners association and the private hauler who is to collect it.
2. 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.
3. Nothing in this Section shall modify the requirements of this Ordinance pertaining to separation and collection of recyclables.
4. Every owner of property or occupant thereof shall contract with an individual, entity, or firm which is a authorized hauler (consistent with the requirements of this Section) to have all municipal waste and designated recyclables generated on the premises by any occupants of the premises removed for proper disposition as provided for in this Section.
5. Nothing in this Section shall prohibit a duly organized and registered property owners association from collecting and assembling municipal waste and/or curbside collected recyclables at a central location accessible location within the confines of its development for ultimate collection as required herein.

§119. TRANSPORTATION OF MUNICIPAL WASTE.

1. Any person transporting municipal waste within the Township shall prevent or remedy any spillage or leakage/prevention of leakage from vehicles or containers used in the transport of such municipal waste.
2. All private haulers shall be required to collect and remove municipal waste in motor- driven vehicles having enclosed, metal, leak proof bodies with metal covers or covers made of such material as to prevent the contents from escaping.
3. The transfer of waste 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 or provision of statutory law.

§120. PUBLIC LITTER BASKETS.

The Township is hereby authorized to collect municipal waste from the Township property, to provide public litter baskets in the Township, and to dispose of such waste in either a receptacle of a private hauler or at designated disposal sites.

§121. AUTHORIZATION OF PRIVATE HAULERS.

1. It shall be unlawful for any person, except for litter control and/or roadside clean up personnel, and other persons licensed by the State of Pennsylvania as per the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect haul transport municipal waste and recyclables. All such haulers shall comply with the provisions of Title 27, as well as all Federal, State, County and local laws and regulations to collect and to transport waste of any nature or recyclables within or from the Township. Authorization to collect, transport and for proper disposition of municipal waste or recyclables or for whom one is acting as agent (as defined in this Section) may be given only by the State of Pennsylvania through the issuance of a collector's license.
2. Nothing in this Section shall prohibit a duly organized and registered property owners association from assembling municipal waste at a central accessible location within the confines of its development for ultimate collection as required herein.

§122. RESPONSIBILITIES OF PRIVATE HAULERS.

1. Private haulers 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 to service each of their customers in accordance with the requirements of this Section, any failure of which shall be a violation of this Section.
2. The private hauler shall have placed on the doors or each side of the body of each vehicle the name of the hauler, the telephone number of the hauler's office or headquarters, and the type of waste being transported therein (or, if recyclables are being transported therein, then such to be indicated). The size of such lettering shall be no less than six (6) inches in height and clearly legible. Vehicles shall be so marked within ten (10) days after the commencement of their use in the Township.
3. Private haulers shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposition of municipal waste and recyclables under the term of this Ordinance.
4. Private haulers shall be responsible for the maintaining vehicles used for collection in the Township in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean and painted so as to present a favorable appearance. The Township shall have the right to inspect all vehicles collecting municipal waste or recyclables within the Township.

5. Private haulers shall empty bulk containers (such as dumpsters) which have been provided by them to their customers, and when such bulk containers become full.
6. Private haulers shall furnish and provide collection and disposition of municipal waste, recyclables and/or leaf waste in accordance with the terms of this Ordinance.
7. Private haulers shall have the window sticker issued for each vehicle with the license displayed on the vehicle for which it is issued at the time the License is issued as directed by the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes.
8. Private haulers shall pay all costs charged for the use of any disposal facilities, which he utilizes.
9. Private haulers shall be responsible to distribute recycling information outlining recycling 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.
10. Any private hauler collecting municipal waste in the Township shall be required to advise the Township in writing within 72 hours after requested as to whether an owner has a current contract for municipal waste collection disposal. Furthermore all private haulers shall cooperate with the Township in providing information, in the event that an action is instituted to enforce the terms and conditions of this Section.

§123. PRIVATE HAULERS AS AN INDEPENDENT CONTRACTOR.

Any person granted a license by the State of Pennsylvania shall not in any manner be construed as an agent, servant or employee of Stroud Township but shall, at all times, be considered and remain an independent contractor. Likewise, no property owners association or corporation who assembles municipal waste or recyclables within a development shall be construed as an agent, servant or employee of Stroud Township.

§124. BILLING PROCEDURES.

Any private hauler shall establish rates to be charged to each occupant of the premises from which municipal, waste or recyclables shall be collected. The private hauler shall enter into individual or separate contracts with each household or occupant of the premises, without liability to or upon the Township.

§125. EQUIPMENT OF THE PRIVATE HAULER.

All private haulers shall be required to collect and remove Municipal waste and/or recyclables in motor-driven vehicles having enclosed, metal, leak proof bodies with metal covers or covers made of such material as to prevent the contents from escaping.

§126. DISPOSAL.

Each private hauler shall have a valid agreement, not subject to cancellation, covering the use of an appropriate disposal facility in accordance with the Monroe County Waste Management Plan, or such other law, as may be applicable which governs the use and maintenance of any such disposal facility.

§127. PRIVATE HAULERS REQUIREMENT TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR RESIDENTIAL, MULTI-FAMILY HOUSING, COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENT AND PROPERTIES.

All private haulers contracted for municipal waste collection shall provide such customers (residential, Multi-family, commercial, municipal and institutional) the service of removing recyclables (as defined in this Ordinance) from their properties at the curbside or an appropriate location on the premises. Any such materials so removed by a private hauler shall be kept separate from municipal waste and shall be taken to a facility for the specific purpose of recycling. Failure to provide said services shall be a violation of this Section.

§128. DESIGNATION OF RECYCLING AND/OR COMPOSTING FACILITY.

The Township reserves the right, by resolution, to direct recyclables and or leaf and yard waste to a designated facility.

§129. VESTED RIGHT.

No Grant of Vested Right. The issuance of a collector's license by the State of Pennsylvania shall not grant vested right to any collector or a continued right to haul or collect municipal waste, recyclables or leaf and yard waste in the Township. The Township reserves the right to contract for municipal waste, recycling or leaf and yard waste collection services or to initiate the public collection of municipal waste, recyclables and/or leaf and yard waste.

§130. PRIVATE HAULER NOT TO ACCEPT UNLAWFULLY DISPOSED OF RECYCLABLES.

No private hauler shall accept, pick up or remove any bag or other container of municipal waste which the private hauler knows, or has reason to believe, contains recyclables, combined with municipal waste placed at curbside or otherwise placed for pickup, the private hauler shall affix a tag or sticker (provided by the Township) to the container containing the recyclables, retain a copy for his records and, deliver a copy to the Township within 48 hours. The tag or sticker shall contain the address at which the container is located the nature of the suspected violation or the reason which led him to believe that recyclable materials were in the municipal waste container (e.g., visual observation or heard bottles and cans rattling). Once the sticker or tag is affixed to the container it is to be left at the location where it was originally placed.

§131. UNLAWFUL TO TERMINATE SERVICES OF A PRIVATE HAULER FOR COMPLIANCE WITH THIS ORDINANCE.

No person shall terminate the services of a private hauler because of such private haulers compliance with requirements set forth in §130, above.

§132. MISSED PICKUP.

In the event any private hauler misses a pickup, the private hauler shall collect from the missed location within 24 hours of notification from the missed resident, provided the resident has abided by the terms of their contract with the private hauler.

§133. COMMUNITY ORIENTATED 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 a private hauler. Prior to initiating such activity, the organization shall obtain authorization from the Township.

§134. VIOLATIONS AND PENALTIES.

1. Any person who shall violate any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 10 days. 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. For 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 or to which any provision of this Ordinance creates an affirmative duty shall constitute a violation of this Ordinance, punishable as herein stated.
2. Private haulers who shall violate any provision of this Ordinance may be reported to the State of Pennsylvania Department of Environmental Protection, by the Township, and may be subject to revocation of State authorization to transport municipal waste, as described in the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes.
3. Stroud Township shall designate a person or entity as enforcement officer responsible for monitoring and enforcement of this Part.

§135. CONSTRUCTION.

The various headings used throughout 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.

§136. SEVERABILITY.

The provisions of this Ordinance are severable, and if any section, clause, sentence, or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any

of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

§137. REPEALER.

All other Ordinances or Resolutions or any parts thereof, including Ordinance No. 12 - 2001, which may conflict with or are inconsistent with this Ordinance, are hereby repealed.

§ 138. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days from the date of enactment.

ORDAINED AND ENACTED into an Ordinance this 5th day of August, 2008, by the Board of Supervisors of the Township of Stroud, Monroe County, Pennsylvania.

TOWNSHIP OF STROUD


EDWARD C. CRAMER, Chairman

(TOWNSHIP SEAL)

DARYL EPPLEY, Vice Chairman
and Secretary



JAMES L. DECKER, Roadmaster