

## **ORDINANCE NO. 207**

### **AN ORDINANCE OF PERKIOMEN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, REPEALING TOWNSHIP ORDINANCE NO. 179 AND REPLACING IT WITH A MANDATORY RECYCLING AND SOLID WASTE DISPOSAL ORDINANCE CONTAINING DEFINITIONS, REGULATIONS, PROHIBITED ACTS, PENALTIES, AND AN EFFECTIVE DATE.**

It is hereby ENACTED and ORDAINED by the Board of Supervisors of Perkiomen Township that Township Ordinance No. 179 is hereby repealed and a new mandatory recycling and solid waste disposal Ordinance is adopted and enacted as follows:

#### **SECTION 1.            TITLE.**

This Ordinance shall be known as the “Perkiomen Township Recycling and Solid Waste Disposal Ordinance.”

#### **SECTION 2.            DEFINITIONS.**

The following terms shall have the following meanings in this Ordinance:

1.            ALUMINUM – Empty, aluminum beverage and food containers, commonly known as “aluminum cans.”
  
2.            BIMETAL CANS – Empty food or beverage containers constructed of a mixture of ferrous metal, usually tin or steel, and nonferrous metal, usually aluminum.
  
3.            BULK ITEMS – Any large durable goods, such as refrigerators, washing machines, window air conditioners, hot-water heaters, dishwashers and any other major home appliances, in addition to other large bulk items such as dressers, beds, mattresses, sofas, television sets and other large household items.

4. COMMERCIAL ESTABLISHMENT – Any establishment which engages in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
5. COMMUNITY ACTIVITIES - Events sponsored in whole or in part by Perkiomen Township or conducted within Perkiomen Township 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.
6. CORRUGATED PAPER – Paper products made of a stiff moderately thick paper board, containing folds or alternating ridges, commonly known as ‘cardboard.’
7. COUNTY – County of Montgomery, Pennsylvania.
8. GLASS – Products made from silica or sand, soda ash and limestone; the product may be transparent (clear) or colored (e.g. brown or green), and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.
9. GRASS CLIPPINGS – The material bagged or raked during or after cutting of a lawn, field or similar grassed area.
10. HIGH-GRADE OFFICE PAPER – All types of white paper, bond paper and computer paper used in residential, office, commercial, institutional and municipal establishments.
11. HAZARDOUS WASTE – (a) any material or substance which, by reason of its composition or characteristics, is (i) toxic or hazardous waste (A) as defined in the Resource Conservation and Recovery Act of 1976, 42 U.S. C. 6901 et. Seq., (B) as defined in section 6(e) of the Toxic Substances Control Act, 15 U.S.C. 2605(e), (C) under Act 97 (Solid Waste Management Act of July 7, 1980, (P.L. 380), or (D) under any other applicable laws of similar purpose or effect, including, but not limited to, with respect to each of such items in (A) through (D), any replacement, amendment, expansion or supplement thereto and any rules, regulations, or policies thereunder; or (ii) special nuclear or by-product materials within the meaning of the atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., and any replacement, amendment,

expansion or supplement thereto and any rules, regulations or policies thereunder; and (b) any other material that any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for disposal in the landfill.

12. HOUSEHOLD HAZARDOUS WASTE – As defined in the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97), including, but not limited to, pesticides, certain paints, cleaning agents, and automotive products.
13. INDUSTRIAL ESTABLISHMENTS – Any establishment engaged in manufacturing or processing, including, but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
14. INSTITUTIONAL ESTABLISHMENT – Any establishment engaged in service, including, but not limited to, municipal buildings, hospitals, nursing homes, orphanages, schools and universities.
15. LANDLORD – Any individual or organizational owner who rents and/or leases residential units, commercial space or industrial complex(es). Landlords own the property in question and deal directly, or through rental agents, with their tenants or lessees.
16. LEAF WASTE – Leaves, garden residue, shrubbery and tree trimmings and similar materials, but not including grass clippings.
17. MAGAZINES AND PERIODICALS – Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.
18. MIXED PAPER – All types of paper combinations, such as colored paper, carbonless forms, ledger paper, envelopes, mixtures of high-grade office paper and the like.
19. MUNICIPALITY – the Township of Perkiomen, Montgomery County, Pennsylvania.

20. MUNICIPAL WASTE – Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.
21. MUNICIPAL WASTE COLLECTOR – Any person collecting, removing, or transporting municipal waste and/or recyclable materials for owners or occupants of property in Perkiomen Township, and any commercial, industrial, or institutional property within Perkiomen Township that generates municipal waste or recyclable materials. All Municipal Waste Collectors shall be registered in Perkiomen Township.
22. NEWSPAPER – Paper of the type commonly referred to as “newsprint” and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.
23. PLASTIC CONTAINERS – Empty plastic food and beverage containers.
24. PERSON – Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency (including, but not limited to, the Department of General Services and the State Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. The term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

25. RECYCLABLE MATERIALS – Those materials specified by Perkiomen Township for collection in accordance with this ordinance, and any recycling regulations which may be promulgated from time to time. Such material may include, but shall not be limited to: aluminum cans, clear and colored glass containers, tin, steel and bimetal cans, clear and colored No. 1 and 2 plastic containers, high-grade office paper, mixed paper, and newspaper, magazines, and corrugated paper. The list of “recyclable materials” may be changed from time to time by resolution of the Board of Supervisors of Perkiomen Township.
26. RECYCLING CONTAINERS – A container provided by the Municipal Waste Collector, made of rigid plastic construction and identified as such. All such containers shall also have the municipality’s name, i.e., “Perkiomen Township”, prominently displayed.
27. RENTAL AGENT – Any individual or organization who assumes the owner’s responsibility in renting and/or leasing residential units, commercial space or industrial complexes. Agents do not own the properties in question and deal directly with tenants or lessees on behalf of the owner.
28. RESIDENT – Any person who owns, leases or occupies a property located in Perkiomen Township and is used as a residence.
29. RESIDUAL WASTE – Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as the Clean Streams Law.
30. SOURCE-SEPARATED RECYCLABLE MATERIAL – Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

**SECTION 3.           REGISTRATION OF MUNICIPAL WASTE COLLECTORS.**

1. It shall be unlawful for any person, persons, or company to collect, remove, and/or transport municipal waste or recyclable materials within Perkiomen Township without first registering with the Township.
2. All municipal waste collectors shall register with the Township. Registrations shall be valid for one year and must be renewed no later than January 31<sup>st</sup> each year. Registered municipal waste collectors shall comply with all the requirements of this ordinance in order to remain in good standing.
3. At the time of registration, the municipal waste collector shall provide the following information:
  - a. Submit an annual registration application on a form provided by the Township. This application shall indicate the name of the municipal waste collector, business address, and telephone number of the business office, and shall identify a responsible contact person by name.
  - b. Pay a registration fee to the Township in an amount to be set forth within a schedule fee as adopted from time to time by Resolution of the Board of Supervisors of Perkiomen Township.
  - c. Upon finding and determining that any person, persons, or business has violated this ordinance, the Township may revoke its registration to conduct business in Perkiomen Township. Such revoking of said registration shall continue until the person, persons, or business is found to be in compliance with the ordinance.

**SECTION 4.           MUNICIPAL WASTE COLLECTORS.**

1. All Municipal Waste Collectors shall, in addition to providing refuse collection and disposal services, also provide for the curbside collection of recyclable materials. The Municipal Waste Collector shall provide recyclable collection no less often than once every two (2) weeks.
2. All Municipal Waste Collectors shall submit a schedule to Perkiomen Township. This schedule shall be submitted to Perkiomen Township at the beginning of each year. . Any changes made to the schedule during the year shall be submitted to the Perkiomen Township.

3. All Municipal Waste Collectors shall keep records of the quantities of recyclable materials collected in Perkiomen Township. The records shall include the weight (in tons) of each recyclable material, and should be separated by Residential and Commercial collection.
4. All Municipal Waste Collectors shall maintain all records regarding recycling. The records shall include tonnage from each leaf waste collection and provide weight slips/receipts from a PA-DEP approved composting facility. All Municipal Waste Collectors shall complete and submit an annual Municipal Waste and Recycling Report on or before the 15<sup>th</sup> day of January each year.
5. All Municipal Waste Collectors shall record and annually report the amount of leaf waste collected.
6. All Municipal Waste Collectors operating in the Township of Perkiomen shall collect leaf waste twice per year. The first pickup shall be in the spring (March through June) and the second pickup shall be in the fall (September through December). The specific dates of collections shall be determined by the Municipal Waste Collectors and shall be communicated to their respective customers. All Municipal Waste Collectors shall be required to provide Perkiomen Township with a complete schedule of these pickups.

**SECTION 5. RESIDENTIAL RECYCLING.**

1. All residents in Perkiomen Township shall separate recyclable materials from all municipal waste generated at their properties. The recyclable materials shall be placed in separate reusable recyclable containers provided by the Municipal Waste Collector. All residents in Perkiomen Township shall contract with a Municipal Waste Collector to collect recyclable materials/solid waste.
2. All residents in Perkiomen Township shall recycle the following items from municipal waste generated at the property: clear glass, colored glass, newspaper, magazines, corrugated paper, aluminum, steel and bimetal cans and No. 1 PET and No. 2 HDPE plastics.

3. All residents shall place their recyclable materials in containers provided by the Municipal Waste Collector. A Municipal Waste Collector shall also provide containers or dumpsters for recyclable materials where individual residential refuse collection does not occur, (e.g. multifamily residential units, such as apartments or condominiums). The preparation for collection of municipal waste and recyclable materials shall be made in accordance with the instructions provided by the Municipal Waste Collector.
4. All residents are required to separate leaf waste from all municipal waste and recyclable materials. All residents shall place the leaf waste in biodegradable paper bags. The Municipal Waste Collector shall not pick-up any leaf waste in plastic bags or other non-biodegradable container. In addition to the collection of leaf waste by the Municipal Waste Collectors, Perkiomen Township residents may drop-off leaf waste monthly at a location designated by Perkiomen Township. The dropped off leaf waste shall be in biodegradable bags. The designated location will be identified on the Perkiomen Township website or residents may call the Township to get the location. Nothing in this Ordinance shall require a resident or person to rake, collect, or gather their leaves, nor prevent a resident or person from using their leaves as part of a residential backyard composting area.
5. Collection of recyclable materials from the residents shall be once every two (2) weeks on a schedule approved by Perkiomen Township. Whenever possible and practical, the collection of recyclables shall be on a regular trash pick-up day. All recyclable containers shall be placed at the curb or the edge of the front yard and the edge of the road at the front of the property. Newspapers, magazines, and corrugated paper shall be bundled and tied with rope or a cord. Newspapers and magazines may be placed in paper bags (not plastic bags). No recyclable container, including bundles of newspaper, shall exceed fifty (50) pounds.
6. All residents shall be responsible for separating household hazardous waste from the recyclable materials and other municipal waste. It is the responsibility of the resident to dispose of household hazardous waste in accordance with the PADEP Regulations. All residents may do this by using the Montgomery County Household Hazardous Waste Program. This Program establishes Household Waste Collection Events during the year. Identification of these Collection Events can be found on the Montgomery County Web Site ([www.montgomerycountyclecyles.org](http://www.montgomerycountyclecyles.org)) or the Perkiomen Township Web Site. Such hazardous waste shall not be commingled or otherwise included with any municipal waste, or recyclable materials.



7. Owners or landlords of any multifamily residential unit, with four (4) or more units, such as apartments or condominiums where individual residential refuse collection does not occur, shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a Municipal Waste Collector. Owners or landlords of multifamily residential units shall provide written instructions to the occupants concerning the use and availability of such containers and dumpsters. Owners and landlords of multifamily residential units who comply with these requirements shall not be held liable for the noncompliance of any person or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multifamily residential units shall be responsible for separating materials and placing them in the containers or dumpsters provided for such purposes.

**SECTION 6. COMMERCIAL, INSTITUTIONAL AND MUNICIPAL RECYCLING.**

1. All persons occupying commercial, institutional and municipal establishments within Perkiomen Township shall separate the following: high-grade office paper, newspaper, magazines, and corrugated paper, aluminum cans, leaf waste, and such other materials that may be changed from time to time by resolution of the Board of Supervisors of Perkiomen Township. Written documentation and certification of the amounts recycled shall be submitted to Perkiomen Township. Such person may comply with the reporting requirements by requiring their Municipal Waste Collector to provide said documentation and certification directly to the Township.
2. The organizer of any activity, event or function in Perkiomen Township that draws 200 persons or more shall also be required to recycle the following: aluminum cans, No. 1 PET and No. 2 HDPE plastics, clear glass, and colored glass. Written documentation and certification of the amounts recycled shall be submitted to Perkiomen Township. The reporting requirements may be complied with by requiring their Municipal Waste Collector to provide said documents and certification directly to the Township.
3. Restaurants and taverns shall recycle the following: newspaper, corrugated paper, aluminum cans, steel and bimetallic cans, clear glass, colored glass, No. 1 PET and No.2 HDPE plastics. Written documentation and certification of the amounts recycled shall be submitted to Perkiomen Township. The reporting requirements may be complied with by requiring their Municipal Waste Collector to provide said documents and certification directly to the Township.

**SECTION 7.**

**PROHIBITED ACTS.**

1. No person shall place municipal waste or any hazardous waste in the containers intended for separation and collection of recyclable materials.
2. No person shall place recyclable materials or any hazardous waste in any container intended for the separation and collection of municipal waste.
3. No person shall place containers for municipal waste or recyclable materials at the curb or in the front yard of any lot except during the period beginning at 6:00 p.m. prevailing time on the day prior to a scheduled collection and ending at midnight on the day of a scheduled collection.
4. No Municipal Waste Collector shall mix any municipal waste with the required separated recyclable material or leaf waste collected. Failure to provide lawful disposition of any municipal waste, recyclable materials, or leaf waste collected in accordance with this Ordinance and any Federal, State, or local law and/or regulation may be grounds for the suspension and revocation of the Collector's registration, or denial of its registration renewal.
5. No resident or person shall burn any recyclable material, leaf waste or municipal waste.

**SECTION 8.**

**ENFORCEMENT, VIOLATIONS AND PENALTIES.**

1. It shall be unlawful for any person to violate or to cause or assist in a violation of any provision of this Ordinance, or to violate or to cause or assist in the violation of any rule, regulation or resolution promulgated by the Board of Supervisors pursuant to this Ordinance. In addition to the penalties set forth below, any such conduct shall also constitute a public nuisance.
2. Any person who violates any provision of this Ordinance shall receive an official written warning of noncompliance from Perkiomen Township for the first offense. Thereafter, any violation of any provision of this Ordinance shall, upon being found guilty by a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine not more than one thousand dollars (\$1,000.00) plus costs and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses. Each such violation of this Ordinance, or each day that a violation of this Ordinance is permitted to continue, shall constitute a separate offense.

**SECTION 9.**            **SEVERABILITY.**

If any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining part of this Ordinance which shall continue to be fully operative as if the unconstitutional, illegal, or invalid part had not been enacted.

**SECTION 10.**           **REPEAL OF INCONSISTENT ORDINANCES.**

All Perkiomen Township Ordinances or parts of such Ordinances inconsistent herewith are hereby repealed.

**SECTION 11.**           **EFFECTIVE DATE.**

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

**ENACTED AND ORDAINED** this 3rd day of August, 2010.

BOARD OF SUPERVISORS  
PERKIOMEN TOWNSHIP

BY: Richard Kratz  
Richard Kratz, Chairman

ATTEST: Cecile M. Daniel  
Cecile M. Daniel, Secretary