

TOWNSHIP OF WARWICK

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WARWICK, CHAPTER 260 THEREOF, SOLID WASTE, TO RESTATE ARTICLE II, MUNICIPAL WASTE MANAGEMENT, TO REVISE THE TRASH COLLECTION AND RECYCLING PROGRAM WHICH IS IN ACCORDANCE WITH THE LANCASTER COUNTY SOLID WASTE MANAGEMENT PLAN AND THE REQUIREMENTS OF ACT 101 OF THE COMMONWEALTH OF PENNSYLVANIA, AND TO REPEAL CHAPTER 111, BURNING, OPEN, IN ITS ENTIRETY.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of Warwick, Chapter 260 thereof, Solid Waste, shall be amended by deleting the current Article II in its entirety and inserting a new Article II, Municipal Waste Management, which shall provide as follows:

ARTICLE II Municipal Waste Management

§260-14. Short Title.

This Article shall be known and may be cited as the Warwick Township Solid Waste and Recycling Ordinance.

§260-15. Background and Legislative Intent.

The Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended ("Act 97"), established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste. Pursuant to the requirements of Act 97 and the request of each municipality within Lancaster County ("County"), the Board of Commissioners of the County prepared and adopted the 1986 Lancaster County Solid Waste Management Plan ("1986 Plan"), which was adopted by each municipality within the County and approved by the Pennsylvania Department of Environmental Resources. The 1986 Plan

provided for a comprehensive and integrated County-wide system for solid waste management (the "System") which included, inter alia, (a) construction of a resource recovery facility for incineration of municipal waste and generation of energy, (b) expansion of the then existing Creswell Landfill, (c) construction of transfer facilities throughout the County and (d) development of a recycling program. In order to implement the 1986 Plan and finance the System the County and each municipality within the County enacted certain waste flow control ordinances and entered into a joint cooperation agreement ("Inter-Municipal Agreement"). The 1986 Plan (a) determined that it was in the public interest for solid waste management and disposal to be a public function, (b) established the Lancaster County Solid Waste Management Authority ("LCSWMA") and (c) designated LCSWMA as the public agency responsible for designing, financing, constructing and operating the System. The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101 ("Act 101") was approved on July 28, 1988. Act 101 gave certain municipalities, including Warwick Township, (the "Township") the responsibility for developing and implementing within their boundaries a source separation and collection program for recyclable materials. Pursuant to Act 101 and the request of the County Board, LCSWMA has prepared (as a revision to the 1986 Plan) the Lancaster County Municipal Waste Management Plan of 1990 (the "1990 Plan") and a system for the collection of municipal waste. The 1990 Plan provides for the establishment and implementation by certain municipalities of source-separation and collection programs for recyclable materials in order to conform to Act 101 and to support and maintain the System. Warwick Township has ratified the 1990 Plan and Warwick Township and County have engaged in mutual and beneficial cooperation and coordination under the 1986 Plan and the Inter-Municipal Agreement and have effected an effective, efficient, reliable and environmentally safe system for the storage, collection, transportation, processing and disposal of municipal waste. Pursuant to Act 101 and the request of the County Board of Commissioners, LCSWMA has prepared (as a revision to the 1990 Plan) the Lancaster County Municipal Waste Management Plan of 1999 (the "1999 Plan"). It is desirable and appropriate to continue such cooperation by implementing a recycling program and a municipal waste collection program which is consistent with the 1990 Plan, the 1999 Plan, the Inter-Municipal Agreement, the System and Act 101.

§260-16. Definitions.

Any capitalized term, if not defined in this Article, shall have the meaning as from time to time set forth in the LCSWMA Rules and Regulations which are incorporated into this Article by reference. In addition, as used in this Article, the following terms shall have the following meanings:

ACT 97 – The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended.

ACT 101 – The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, as now or hereafter amended.

ALUMINUM – All food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates and miscellaneous aluminum products.

BATTERY BAGS – Bags which LCSWMA makes available to Generators of Municipal Waste and which shall be used as disposal containers for batteries which are generated in households.

CLEAR GLASS – Clear Glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and 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.

COLORED GLASS – Colored Glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and 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.

COMMENCEMENT DATE – October 1, 1991, the date upon which the Township's recycling program and Permitted Collector program began.

COMMINGLED – Designated Recyclable Materials (a) which have been segregated from Regulated Municipal Waste but which have not been separated into different types of Recyclable Materials and (b) which have been placed in a Recycling Container for the purpose of collection.

COMMUNITY ACTIVITIES – Events that are sponsored by public or private agencies or individuals, including but not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

COMPOSTING – The process by which solid organic waste is biologically decomposed under controlled aerobic or anaerobic conditions to yield a humus-like product.

CORRUGATED CARDBOARD – Unbleached, unwaxed kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and related products.

CURBSIDE – The correct location for the placement of Refuse Containers and Recycling Containers for the purpose of collection by the Permitted Collector, which shall be (a) adjacent to the Residential Unit and (b) no more than five (5) feet from the public street used by collection vehicles.

CUSTOMER – A Person who independently contracts with a Permitted Collector for the collection of Regulated Municipal Waste and Designated Recyclable Materials.

DEP – The Pennsylvania Department of Environmental Protection or any agency successor thereto.

DESIGNATED RECYCLABLE MATERIALS – Those Recyclable Materials designated in §260-21 of this Article for Source Separation.

EXISTING CONTRACT – Any contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials generated or located

within the Township which (a) was legally entered into prior to the effective date of this Article and (b) when entered into was legally enforceable.

FACILITY – Any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which Solid Waste or Source Separated Recyclable Materials, or any portion of Solid Waste or Source Separated Recyclable Materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of Solid Waste or Source Separated Recyclable Materials.

FARM – A tract of land containing ten (10) or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

GENERATOR – A Person who produces or creates any Solid Waste.

HAZARDOUS WASTE – Garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (i) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or (ii) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (a) coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§30.51-30.62), (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1691.1001), (c) solid or dissolved material in domestic sewage, (d) solid dissolved materials in irrigation return flows, (e) industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. §1342), or (f) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2394).

HIGH GRADE OFFICE PAPER – Desktop generated white paper limited to ledger, copy paper, and computer printout (CPO).

HOUSEHOLD HAZARDOUS WASTE – A portion of Municipal Waste that would be considered hazardous under Act 97 but for the fact that it is produced in quantities smaller than those regulated as Hazardous Waste under Act 97 and is generated by Persons not otherwise covered as Hazardous Waste Generators by Act 97. Household Hazardous Waste includes the following materials and other materials of a similar nature:

- (i) Anti-freeze.

- (ii) Batteries.
- (iii) Chlorinated hydrocarbons.
- (iv) Fluorescent light bulbs and other mercury-containing devices.
- (v) Gasoline and kerosene.
- (vi) Grease and rust solvents.
- (vii) Oven, toilet and drain cleaners.
- (viii) Paints, rust preventatives, stains and wood preservatives.
- (ix) Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers.
- (x) Photographic and pool chemicals.
- (xi) Thinners, solvents and furniture strippers.
- (xii) Transmission and brake fluids.
- (xiii) Used oil or other hydrocarbon based lubricants.
- (xiv) Wood, metal, rug and upholstery cleaners and polishes.

LCSWMA – The Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the Municipality Authorities Act, as amended.

LCSWMA FACILITY – Any Facility owned or operated by or on behalf of LCSWMA.

LEAF WASTE – leaves, garden residue, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

MANIFEST – A form supplied by LCSWMA to be completed and signed by each Person who collects Solid Waste or Source Separated Recyclable Materials and which specifies, inter alia, (a) the source, type, quantity and delivery point for the Solid Waste or Source Separated Recyclable Materials, (b) the applicable license number and (c) other pertinent information.

MULTI-FAMILY UNIT – A property which contains four (4) or more Residential Units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding Farms.

NEWSPRINT – Paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

NON-RESIDENTIAL UNITS – All commercial, municipal and institutional establishments, all Community Activities and all Farms, excluding Residential Units and Multi-Family Units.

OPEN BURNING – A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PERMITTED COLLECTOR – A Person who is in possession of all pertinent permits and licenses which may be required by (a) the Commonwealth of Pennsylvania and LCSWMA for the off-site collection, transportation, storage or disposal of Solid Waste or Recyclable Materials and (b) the Township for the on-site collection of Solid Waste or Recyclable Materials generated within the

Township.

PERSON – Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLASTICS – Recyclable Plastics are identified on the bottom of the container and consist of two (2) types of containers, namely: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

RECYCLABLE MATERIALS – Any material which would be Regulated Municipal Waste but for Source Separation and which will be processed into raw materials or products or which are beneficially reused.

RECYCLING – The separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as Solid Waste or the mechanized separation and treatment of Solid Waste and creation and recovery of reusable materials.

RECYCLING CONTAINER – For Residential Units, the term Recycling Container shall refer to the container supplied by the Township. For Multi-Family Units and Non-Residential Units, the term Recycling Container shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has adequate strength for lifting.

REFUSE CONTAINER – A container which is (a) constructed of plastic, metal, or fiberglass, and which has handles of adequate strength for lifting and a tight fitting lid capable of preventing entrance into the container by vectors or (b) a polyethylene bag which (i) is specifically designed for storage and collection, (ii) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (iii) has a holding strength capable of withstanding normal stresses until it is collected.

REGULATED MUNICIPAL WASTE – Any Solid Waste generated or collected within the Township which is garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous materials, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of Residual Waste or Hazardous Waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include Designated Recyclable Materials or Unacceptable Waste.

RESIDENTIAL UNIT – Any single-family detached, semi-detached or townhouse dwelling, or a dwelling unit within a building containing three or fewer dwelling units, excluding Farms.

RESIDUAL WASTE – Any garbage, refuse, other discarded material or other Waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricul-

tural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (a) coal refuse as defined in the Coal Refuse Disposal Act or (b) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.

SCAVENGING – The removal of Designated Recyclable Materials in violation of §260-27 of this Article.

SINGLE STREAM – A system where Recyclable Materials; commonly fibers and glass, metal and plastic containers; are collected and processed together.

SOLID WASTE OR WASTE – Any waste, including but not limited to Municipal, Residual, or Hazardous Wastes, including solid, liquid, semisolid or contained gaseous materials.

SOURCE SEPARATE OR SOURCE SEPARATION – The process of separating, or the separation of, Designated Recyclable Materials from other Solid Waste at the location where generated for the purpose of Recycling.

STEEL CANS – The ferrous metal food or beverage containers commonly known as tin cans.

TIRES – Any pneumatic rubber automobile, truck, or farm implement tire.

TOWNSHIP – Warwick Township.

TOWNSHIP'S POLICIES AND PROCEDURES – The rules and regulations adopted and revised from time to time by the Township which govern and pertain to the Township's Recycling program and the on-site collection or storage of Regulated Municipal Waste within the Township.

UNACCEPTABLE WASTE – The following types of Solid Waste are Unacceptable Waste unless approved by LCSWMA on a case-by-case basis:

- (i) Chemotherapeutic Waste.
- (ii) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue.
- (iii) Explosives and Ordnance Materials.
- (iv) Gas cylinders, unless empty and delivered separate from other Solid Waste.
- (v) Hazardous Waste.
- (vi) Infectious/Pathological Waste.
- (vii) Radioactive Materials.

WHITE GOODS – A portion of Regulated Municipal Waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

YARD WASTE – All garden residues, leaves, shrubbery and tree trimmings up to six (6) inches in diameter, grass clippings, and sod.

§260-17. Mandatory Recycling.

All Persons within the Township shall Source Separate Designated Recyclable Materials generated by such Person or generated within a Residential Unit, Multi-Family Unit or Non-Residential Unit occupied by such Person.

§260-18. On-Site Collection and Disposal.

Each Person who owns or occupies a Residential Unit, Multi-Family Unit or Non-Residential Unit within the Township shall ensure that Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Unit, Multi-Family Unit or Non-Residential Unit are collected and disposed of in accordance with this Article, the Township's Policies and Procedures, and the LCSWMA Rules and Regulations.

§260-19. Responsibilities of Residential Units.

Each Person who owns or occupies a Residential Unit shall provide proper collection and disposal of Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Units by either themselves delivering such materials to a Facility or utilizing a Permitted Collector to collect and deliver such materials to a Facility.

§260-20. Responsibilities of Non-Residential and Multi-Family Units.

- A. Each Person who owns or occupies a Non-Residential Unit or Multi-Family Unit shall provide proper collection and disposal of Regulated Municipal Waste and Designated Recyclable Materials by either themselves delivering such materials to a Facility or utilizing a Permitted Collector to collect and deliver such materials to a Facility.
- B. Each Person who owns a Multi-Family Unit or Non-Residential Unit shall:
 - (1) Provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials.
 - (2) Provide written instructions to all Persons occupying each Multi-Family Unit and Non-Residential Unit to ensure that all Designated Recyclable Materials are Source Separated.
 - (3) Provide collection and delivery to a Facility of Source Separated Designated Recyclable Materials at a frequency of not less than once per month.

§260-21. Designated Recyclable Materials

- A. Each Person who owns or occupies a Residential Unit shall Source Separate the following Recyclable Materials:
- (1) Clear Glass.
 - (2) Colored Glass.
 - (3) Aluminum.
 - (4) Steel Cans.
 - (5) Plastic.
 - (6) Newsprint.
 - (7) Yard Waste.
 - (8) Tires.
 - (9) White Goods.
- B. Each Person who owns or occupies a Multi-Family Unit shall Source Separate the following Recyclable Materials:
- (1) Clear Glass.
 - (2) Colored Glass.
 - (3) Aluminum.
 - (4) Steel Cans.
 - (5) Plastic.
 - (6) Yard Waste.
 - (7) Tires.
 - (8) White Goods.
- C. Each Person who owns or occupies a Non-Residential Unit shall Source Separate the following Recyclable Materials:

- (1) Clear Glass.
- (2) Colored Glass.
- (3) Aluminum.
- (4) Steel.
- (5) Plastic.
- (6) Yard Waste.
- (7) High Grade Office Paper.
- (8) Corrugated Cardboard.
- (9) Tires.
- (10) White Goods.

§260-22. On-Site Collection of Regulated Municipal Waste and Designated Recyclable Materials.

A. Residential.

- (1) No Person other than a Permitted Collector shall collect on-site Regulated Municipal Waste or Designated Recyclable Materials generated in any Residential Unit, except that a Person may deliver to a Facility such Waste or Designated Recyclable Materials which was generated at such Person's residence.
- (2) Each Permitted Collector who provides regularly scheduled service for the collection of Regulated Municipal Waste from a Residential Unit shall also collect Designated Recyclable Materials from such Residential Unit. Each Permitted Collector shall establish, and notify each Customer, of procedures for the Source Separation, segregation and packaging of Regulated Municipal Waste and Designated Recyclable Materials. Such procedures shall permit commingling of all Aluminum, Clear Glass, Colored Glass, Steel Cans, and Plastics, in a single Recycling Container. Newsprint shall either be bagged or bundled in accordance with instructions from the Permitted Collector to the Customer. Each Permitted Collector shall schedule collections for Tires, White Goods, and Yard Waste at least twice annually and shall give Customers at least thirty (30) days advance notice of the schedule for such collections. Each Permitted Collector shall schedule an additional special collection for Leaves on two (2) days between October 15 and December 15 each year.

- (3) Each Permitted Collector shall complete monthly LCSWMA manifests, as required, reporting the amount of Regulated Municipal Waste and Designated Recyclable Materials collected in the Township. Each Permitted Collector shall submit copies of LCSWMA manifests to the Township, upon request.
- (4) The schedule for collection of Regulated Municipal Waste and Designated Recyclable Materials shall be as specified in the Township's Policies and Procedures.
- (5) Recycling Containers for Residential Units will be provided by the Township, which shall retain title to all such Recycling Containers. Permitted Collectors shall distribute Recycling Containers to all of their Residential Unit Customers in accordance with guidelines to be established by the Township.

B. Non-Residential and Multi-Family Units.

- (1) No Person other than a Permitted Collector shall collect on-site Regulated Municipal Waste or Designated Recyclable Materials generated in any Non-Residential or Multi-Family Unit.
- (2) Each Permitted Collector that collects on-site Designated Recyclable Materials generated in any Non-Residential or Multi-Family Unit shall complete monthly LCSWMA Manifests, as required, reporting the amount of Regulated Municipal Waste and Designated Recyclable Materials collected in the Township.

C. General.

- (1) All Regulated Municipal Waste and Designated Recyclable Materials generated or collected in the Township shall be delivered directly to a Facility in accordance with the LCSWMA Rules and Regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such Regulated Municipal Waste and Designated Recyclable Materials from the time of its collection until the time of its delivery to the Facility.
- (2) No Permitted Collector who collects or disposes of Regulated Municipal Waste or Designated Recyclable Materials shall, by contract or otherwise, cause, permit or assist in the storage, collection, processing or disposal of Designated Recyclable Materials in a manner which treats such materials as Regulated Municipal Waste or which is otherwise inconsistent with Source Separation or Recycling. Any delivery of Designated Recyclable Materials to a LCSWMA Facility in accordance with the LCSWMA Rules and Regulations shall be deemed to satisfy the requirements of this Section.
- (3) Each Permitted Collector shall give written notice to each Customer of such Permitted Collector's obligations under this Article and particularly the requirement to offer

collection services for Designated Recyclable Materials.

- (4) Each Permitted Collector shall collect and deliver, separately to a LCSWMA Facility battery drop-off location, all Battery Bags placed at Curbside by Residential Units.

§260-23. Storage of Regulated Municipal Waste and Designated Recyclable Materials by Residential Units, Multi-Family Units and Non-Residential Units.

A. General.

- (1) All Regulated Municipal Waste and Designated Recyclable Materials shall be stored so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.
- (2) Permitted Collectors shall supply each Residential Unit with a recycling container which shall be provided by the Township. Recycling containers for Multi-Family Units and Non-Residential Units shall be provided either by the owner or the Permitted Collector.
- (3) All storage practices shall, at a minimum, conform to the requirements of all applicable federal, state and local laws and regulations.
- (4) Each Person having Regulated Municipal Waste or Designated Recyclable Materials shall provide themselves with approved refuse and recycling containers and shall place and keep all Regulated Municipal Waste and Designated Recyclable Materials therein. Solid Waste of a nondecomposable nature and rubbish may be stored in tightly secured bundles of such size to be readily handled at time of collection and so as to minimize litter.
- (5) Bulky waste shall be stored so that collection of water and harborage of rodents are prevented.
- (6) Containers shall be stored on the property where the Regulated Municipal Waste and Designated Recyclable Materials are generated.
- (7) Regulated Municipal Waste or Source Separated Designated Recyclable Materials from Residential Units shall not be stored at curbside prior to collection.
- (8) No Regulated Municipal Waste or Source Separated Designated Recyclable Materials shall be placed at curbside for collection more than 24 hours in advance of the scheduled time for collection.

B. Disposable containers. Disposable refuse containers such as paper and polyethylene bags shall

be acceptable for storage of Regulated Municipal Waste provided the following conditions are met:

- (1) Only those bags specially designed for storage and collection shall be used.
- (2) Bags shall be protected against precipitation, animal damage and overloading to prevent littering or attracting of vectors.
- (3) Bags shall have a holding strength capable of withstanding stresses until they are collected.
- (4) Bag openings shall be securely closed prior to setting out for collection.

C. Recycling containers.

- (1) Individual recycling containers utilized for the collection of Designated Recyclable Materials at Residential Units shall comply with the following requirements:
 - (a) The container shall be a container delivered by a Permitted Collector which is provided by the Township made of rigid plastic construction, with a capacity of not more than 22 gallons.
 - (b) Title to individual recycling containers shall remain in the Township.
 - (c) The Township shall replace any recycling containers which are damaged, lost, or stolen.
- (2) Bulk recycling containers utilized for the storage of Designated Recyclable Materials at Multi-Family and Non-Residential Units shall comply with the following requirements:
 - (a) The container shall be constructed of plastic, metal or fiberglass and be suitable for the purpose.
 - (b) Title to bulk recycling containers shall remain in the Owner or the Permitted Collector.

§260-24. Preparation of Regulated Municipal Waste and Designated Recyclable Materials.

- A. All persons within the Township are required to Source Separate All Designated Recyclable Materials.
- B. All Regulated Municipal Waste and Designated Recyclable Materials shall be drained free of liquids before storage.

- C. All cans, bottles or other foods containers shall be rinsed free of food particles and drained before storage.
- D. Newsprint shall be tied in bundles or placed in paper grocery bags.

§260-25. Collector Permits.

- A. All Persons who desire to collect on-site, store, process or dispose of Regulated Municipal Waste or Designated Recyclable Materials within the Township shall obtain a Collection Permit from the Township prior to performance of any such activities.
- B. Every Person desiring a Collection Permit under this Article shall make application to the Township. Such application shall include the name and address of the Person making application, proof of a valid license issued by LCSWMA and the Commonwealth of Pennsylvania, identification of other municipalities which have permitted that Person, whether any licenses have been revoked by LCSWMA or any other municipality which requires permitting of haulers, and a listing of the names and addresses of all Residential Units, Multi-Family Units and Non-Residential Units served, which shall be updated annually.
- C. Applicants for a Collection Permit to operate as a Permitted Collector within the Township shall demonstrate that:
 - (1) A valid license has been issued by LCSWMA to the applicant.
 - (2) Applicant's operation is in conformity in all respects with the rules and regulations of the DEP, LCSWMA, and all Township Ordinances and the Township's Policies and Procedures.
 - (3) Regulated Municipal Waste and Designated Recyclable Materials shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors, or the creation of other nuisances.
 - (4) All disposal of Regulated Municipal Waste other than Designated Recyclable Materials shall be at a Facility.
 - (5) All Designated Recyclable Materials shall be recycled and shall not be disposed of as Regulated Municipal Waste.
 - (6) Insurance shall be obtained for the applicant's proposed operation in the Township. A certificate of insurance demonstrating limits as follows:
 - (a) Required Vehicle Liability Insurance - The minimum liability insurance required under State Law.

- (b) General Liability - Bodily injury, \$250,000 per occurrence, and property damage, \$250,000 per occurrence.
 - (c) Worker's Compensation - As required by law.
- (7) All equipment to be used have been properly licensed and inspected, and all operators have valid operator's licenses for the class of vehicle operated.
- D. All Municipal Collection Permits shall be issued for a period of three (3) years or longer.
- E. Collection Permits may be suspended or revoked by the Township at any time for just cause. Just cause shall include, but not be limited to, where the Permitted Collector:
 - (1) Fails to maintain a valid license issued by LCSWMA.
 - (2) Violates any of the provisions of this Article or the Township's Policies and Procedures.
 - (3) Improperly disposes of Designated Recyclable Materials or Regulated Municipal Waste.
 - (4) Scavenges.
 - (5) Fails to perform in good faith all the covenants of any agreement entered into with any customers.
- F. Any Person who has been denied a Collection Permit or whose Collection Permit has been suspended or revoked may appeal the denial, suspension or revocation to the Township. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the Township Secretary. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the Township, and no appeal shall be considered complete without the payment of the appeal fee. A prompt decision on such appeal shall be made by the Township.
- G. Collection Permits are not transferable to any other Person.

§260-26. Illegal Dumping and Open Burning.

- A. No Person shall store, process or dispose of any Regulated Municipal Waste or Designated Recyclable Materials except at a Facility. Notwithstanding the foregoing or §260-21, Yard Waste may be composted to the extent and in the manner provided in the Township's Policies and Procedures on the property on which such Yard Waste was generated.

- B. No Person shall process or dispose of any Construction/Demolition Wastes, Residual Wastes, Hazardous Wastes (as defined by the DEP), or Designated Recyclable Materials through Open Burning other than Yard Waste burned in accordance with the following exemption criteria.
- C. It shall be unlawful for any person to open burn any material, including the following at any time within the Township.
- (1) Household trash, books magazines, newspapers, cardboard and/or any items that are required to be recycled in the Township under Act 101, including brush and scrap lumber or any vegetation, plywood, drywall plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste as defined by Act 97 and 25 Pa. Code §271.1.
- D. The following activities, when conducted as set forth in §260-26.E., are exempt from the open burning prohibition set forth above:
- (1) Yard Waste. Crop residue, brush, woody debris, shrubs, trees and other natural vegetation generated as an element of any of the following practices may be burned:
 - (a) Agricultural and land conservation maintenance and management practices conducted on a Farm within any zoning district, or a non-farm parcel over ten (10) acres, in an Agricultural Zone, Rural Estate Zone or Conservation Zone as established by Chapter 340, Zoning.
 - (b) Agricultural, horticultural and forestry management practices to control insects, diseases and other pests conducted on a Farm within any zoning district, or a non-farm parcel over ten (10) acres, in an Agricultural Zone, Rural Estate Zone or Conservation Zone as established by Chapter 340, Zoning.
 - (2) Woody Yard Wastes that are used for cooking food, recreational or ceremonial purposes, or fire services training.
 - (3) Yard Wastes that are approved by permit for Open Burning by a Fire Marshall, Emergency Services Director, DEP, or Pennsylvania Department of Conservation and Natural Resources.
 - (4) Outdoor fireplaces and charcoal/gas grills shall be permitted upon private property within the Township solely for the purpose of cooking foods. The following regula-

tions shall apply:

- (a) No person shall use such fireplaces or grills for burning of materials as outlined in §260-21.
 - (b) Outdoor fireplaces or outdoor grills shall not be used for such purposes other than cooking food.
 - (c) Outdoor grills shall not be used indoors or in any enclosed areas that are not properly ventilated, i.e. garages, etc.
- (5) Outdoor patio stoves, chimineas, or factory built metal novelty stoves shall be permitted outside on any residential private property within the Township, provided that the following regulations apply:
 - (a) No persons shall use such patio stoves, chimineas or factory built novelty stoves, for the burning of any material listed in §260-21.
 - (b) Only seasoned wood may be burned within such outdoor patio stoves, chimineas, or factory built metal novelty stoves.
 - (c) Outdoor patio stoves, chimineas, or factory built metal novelty stoves shall not be used indoors or in any enclosed areas that are not properly ventilated, i.e. garages, etc.
- (6) Campfires contained within a fire pit, or fire ring, not exceeding six feet in diameter shall be permitted outside on any residential private property within the Township, provided that the following regulations apply:
 - (a) Only seasoned wood may be burned within such fire pit, or fire ring.
 - (b) No persons shall use such campfire for the burning of any material listed in §260-21 of this Article.
- (7) Any bonfire solely for organized recreational or ceremonial purposes, provided that:
 - (a) The property owner must submit a request on a form provided by the Township that specifies the date and location of such event.
 - (b) The property owner must receive approval of such request from the Township Police Chief prior to the event.
 - (c) Only one approval will be granted per location within a 12-month period.

- (8) Structures that are used for approved and permitted fire services training activities.
- E. Outdoor burning permitted in accordance with §260-26.D shall comply with all of the following regulations:
- (1) No person shall cause, suffer or permit the burning of any material in a manner that:
 - (a) The emissions are visible, at any time, at the point such emissions pass outside the property line of the person on whose land the burning is being conducted.
 - (b) Malodorous air contaminants from the burning are detectable outside the property of the person on whose land the open burning is being conducted.
 - (c) The emissions cause damage to vegetation or property.
 - (d) The emissions are or may be deleterious to human or animal health.
 - (2) All open burning of yard waste conducted in accordance with §260-26.D(1) as part of agricultural, land conservation maintenance, horticultural and forestry management practices shall occur between sunrise and sunset on any day.
 - (3) If burning is conducted in an appropriate receptacle or incinerator, such receptacle or incinerator must be located at least three (3) feet from all structures and at least three (3) feet from all property lines, road rights of way and stream banks. No such burning is permitted in any front yard.
 - (4) Any campfire must be located at least twenty-five (25) feet from all structures and at least twenty-five (25) feet from all property lines, road rights of way and stream banks. No campfire is permitted in any front yard.
 - (5) Any bonfire, or open burning conducted as part of agricultural and land conservation maintenance and management practices, or for agricultural, horticultural and forestry management practices to control insects, diseases and other pests on a farm anywhere within the Township or a non-farm parcel over ten (10) acres in the Agricultural Zone (A), Rural Estate Zone (RE) or Conservation Zone (C) as established in Chapter 340, Zoning, shall be located at least two-hundred and fifty (250) feet from all structures, road rights of way and streams and at least one-hundred (100) feet from all property lines.
 - (6) All burning authorized by §260-26.D, whether conducted in a receptacle, incinerator or in the open shall be kept under constant supervision by a responsible adult during the burning activity and at the end of the burning activity the fire shall be completely extinguished.

- (7) No burning of any kind shall be permitted during the period of a drought warning or drought emergency, declared by the DEP or Lancaster County for Lancaster County.

§260-27. Scavenging.

From the time of placement for collection of any Designated Recyclable Materials, all such Designated Recyclable Materials shall be the property of the Generator or the Permitted Collector who has contracted to provide on-site collection. It shall be a violation of this Article for any Person, other than such Permitted Collector, to collect or pick up, or cause to be collected or picked up, any such Designated Recyclable Materials.

§260-28. Existing Contracts.

- A. Nothing in this Article shall be construed to impair the obligations of any Existing Contract.
- B. No renewal or modification of any Existing Contract, and no new contract for the storage, on-site collection, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials, shall be entered into after the effective date of this Article unless such renewal or modification or new contract shall conform to the requirements of this Article and the Township's Policies and Procedures.
- C. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this §260-28 shall provide for on-site collection services for Regulated Municipal Waste to be performed after the Commencement Date unless on-site collection services are also offered for Designated Recyclable Materials. With respect to any contract which violates this Article, such contract shall be deemed void and the Permitted Collector that is a party to such contract shall reimburse to the applicable Residential Units and Multi-Family Units any funds which have been paid for such on-site collection services as violate this Article and shall not collect or attempt to collect any funds for such collection services as violate this Article.

§260-29. Authorization of Township.

The Township shall have the power to issue the Township's Policies and Procedures governing all matters set forth in this Article and any other related matters be necessary or convenient by the Township. The Township's Policies and Procedures shall be effective when issued in writing and signed by the Secretary of the Township. The Township shall have the power to establish record and reporting requirements, and standards and procedures for the issuance, administration and revocation of permits, as deemed necessary, including without limitation, application procedures, fees, standards and conditions for permits, the fixing of a monetary bond, with or without surety, to secure the compliance by any Permitted Collector with any such requirements, standards or procedures, and any other matters deemed necessary or convenient by the Township. In the event of suspension or revocation of any permit which is issued by the Township and/or license issued by LCSWMA, the Person whose permit is suspended or revoked shall refund to each Customer any

prepaid fees.

§260-30. Unlawful Activity.

It shall be unlawful for any Person to violate, or cause or permit or assist in the violation of, any provision of this Article. All unlawful conduct shall also constitute a public nuisance.

§260-31. Penalty.

Any Person violating any provision of this Article, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not less than one hundred dollars (\$100.00), and not more than one thousand dollars (\$1,000.00) and costs of prosecution and, in default of the payment of such fine and costs, to undergo imprisonment for not more than ninety (90) days. Each violation of any provision of this Article, and each day that such a violation shall exist, shall constitute a separate violation and offense.

The terms of this Article may be enforced by any representative of the Township hereafter appointed as a code enforcement officer or by any police officer of the Township.

§260-32. Persons Liable.

For purposes of the obligations established by this Article or the Township's Policies and Procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "Person", "Residential Unit", "Multi-Family Unit" and "Non-Residential Unit" shall include officers and directors of any corporation or other legal entity having officers and directors and refer to, and impose joint and several liability upon, both the person residing in or occupying any such Residential, Multi-Family or Non-Residential Units and the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises.

§260-33. Injunctive Relief.

In addition to any other remedy provided in this Article, the Township may institute proceedings to restrain any violation of, or to require compliance with, this Article.

§260-34. Concurrent Remedies.

The existence or exercise of any remedy provided by this Article shall not prevent the Township from exercising any other remedy available at law or equity.

Section 2. The Code of Ordinances of the Township of Warwick, Chapter 111, Burning, Open, shall be repealed in its entirety.

Section 3. All other sections, parts and provisions of the Code of Ordinances of the Township of Warwick shall remain in full force and effect as previously enacted and amended.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Article. It is hereby declared to be the intent of the Board of Supervisors that this Article would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force on November 30, 2007.

DULY ORDAINED AND ENACTED the _____ day of _____, 2007,
by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WARWICK
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]