

Chapter 178

SOLID WASTE

[HISTORY: Adopted by the Borough Council of the Borough of North Wales: Art. I, 10-23-1990 as Ord. No. 629; Art. II, 8-27-1991 by Ord. No. 639. Amendments noted where applicable.]

ARTICLE I

Solid Waste Disposal

[Adopted 10-23-1990 by Ord. No. 629]

§ 178-1. Definitions.

A. The following terms shall have the following meanings in this article:

ACCEPTABLE WASTE — Municipal waste which is not unacceptable waste or nonprocessable waste.

COUNTY — County of Montgomery, Pennsylvania.

COUNTY ORDINANCE or **COUNTY WASTE FLOW ORDINANCE** — An ordinance enacted by the county creating the Northern County System in the Northern District, providing for the licensure of various persons, regulating waste flow and setting forth certain related provisions.

DATE OF NORTHERN COUNTY SYSTEM OPERATION — That date on which the Northern County System shall be declared by the county to be ready to commence the disposal of acceptable waste on a sustained basis.

HAZARDOUS WASTE

- (1) Any material or substance which, by reason of its composition or characteristics, is toxic or hazardous waste as defined in the Resource, Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq.; as defined in Section 6(e) of the Toxic Substances Control Act, 15 U.S.C. § 2605(e); under Act 97;¹ or under any other applicable laws of similar purpose or effect, including but not limited to, with respect to each of such items, any replacement, amendment, expansion or supplement thereto and any rules, regulations or policies thereunder; or 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.
- (2) 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.

LANDFILL — A landfill with which the Waste Authority has contracted to dispose of

1. Editor's Note: See 35 P.S. § 6018.101 et seq.

acceptable waste.

MUNICIPALITY — The Borough of North Wales, located within the County of Montgomery, Commonwealth of Pennsylvania.

MUNICIPAL WASTE — Municipal waste as defined in Section 103 of Act 97 and Section 103 of Act 101,² and any rules, regulations or policies promulgated thereunder.

NONPROCESSIBLE WASTE

- (1) White goods.
- (2) Automobile tires in quantity.
- (3) Noncombustible items, stumps, logs, brush and other waste which either weighs in excess of 25 pounds or exceeds one of the following dimensions: four feet in length, four inches in diameter or four inches in thickness.
- (4) Sludges.
- (5) Construction and demolition debris.
- (6) Leaf waste beyond that permitted by Act 101.³

NORTHERN COUNTY SYSTEM or SYSTEM — The solid waste management and disposal system created by the county for the Northern District and every aspect thereof, including but not limited to equipment, transfer stations and resource recovery facilities, residue disposal sites, contractual arrangements or other rights owned, acquired, leased, placed under contract, constructed or assumed, operated or to be owned, acquired, leased, placed under contract, constructed, operated or assumed by the Waste Authority, the county or any agent, designee or contractor of either in connection with the plan or the plan revision.

PERSON — Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty, imprisonment or denial or grant of any license, 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.

PLAN — The county-wide municipal waste management plan developed by the county and approved by the Department of Environmental Resources (DER), as such has been and may hereafter be amended or revised in compliance with law.

PLAN REVISION — The revision, dated June 1990, to the County Municipal Waste Management Plan developed by the county, to be submitted to DER and approved by a majority of the affected municipalities within the county representing a majority of the county's population.

2. Editor's Note: See 35 P.S. § 6018.101 and 53 P.S. § 4000.101 et seq., respectively.

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

POINT OF ENTRY INTO THE NORTHERN COUNTY SYSTEM — Any delivery point within the Northern County System designated by the Waste Authority for delivery of acceptable waste.

PROCESSIBLE WASTE — That portion of acceptable waste which is not nonprocessable waste.

RECYCLING or RECYCLED — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

SOURCE SEPARATION — The segregation and collection, prior to the point of entry into the Northern County System, for the purpose of recycling of individual components of acceptable waste, such as (without limitation) bottles, cans and other materials in accordance with Act 101.⁴

UNACCEPTABLE WASTE

- (1) Any material that by reason of its composition, characteristics or quantity is ineligible for disposal at the landfill pursuant to the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., and the regulations thereunder; or except for trace amounts normally found in household or commercial solid waste, any other similarly applicable law (including but not limited to the following laws and the regulations, if any, promulgated under each: the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.; Act 97⁵; the Hazardous Sites Cleanup Act, Act 108, enacted October 18, 1988;⁶ and any similar or substituted legislation or regulations or amendments to the foregoing, as well as any other laws coextensive with the foregoing).
- (2) Any other materials that any governmental body or unit having or claiming appropriate jurisdiction shall determine from time to time to be harmful, toxic, dangerous or otherwise ineligible for disposal at the landfill.
- (3) Any waste that a landfill or other applicable facility is precluded from accepting pursuant to any permit or governmental plan governing such landfill or other applicable facility.
- (4) Hazardous waste.
- (5) Residual waste, as defined in Act 101⁷ (except as otherwise provided in any landfill agreement to which the Waste Authority is a party).

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

5. Editor's Note: See 35 P.S. § 6018.101 et seq.

6. Editor's Note: See 35 P.S. § 6020.101 et seq.

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

- (6) 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 similar or substituted legislation or regulation or amendments to the foregoing, including but not limited to any other laws coextensive with the foregoing.
- (7) Asbestos, sludge, infectious waste, chemotherapeutic waste and incinerator ash (except as otherwise provided in any landfill agreement to which the Waste Authority is a party).
- (8) White goods in quantity and/or automobile tires in quantity.
- (9) Any other material that the Waste Authority reasonably concludes would require special handling or present an endangerment to a disposal facility, the public health or safety or the environment.

WASTE AUTHORITY — The Waste System Authority of Northern Montgomery County created by the county for purposes relating to municipal waste disposal and/or the IMA⁸ and the County Waste Flow Ordinance.

WHITE GOODS — Refrigerators, washing machines, dryers, window air conditioners, hot-water heaters and other major home appliances.

- B. All other words and phrases as defined in Act 97 or Act 101⁹ shall have the same meanings as set forth in those Acts, as they may hereinafter be amended or supplemented by legislation regarding municipal waste management or planning or as set forth in the IMA. To the extent that any definition herein varies from the definition in the IMA, the definition in the IMA shall control.¹⁰

§ 178-2. Operation by licensed collectors and transporters.

- A. **Licensing.** No person who is not duly licensed or deemed to be licensed by the Waste Authority may collect or transport municipal waste located or generated within the municipality. This waste collection or transportation license shall be a county license issued by the Waste Authority.
- B. **Compliance with rules, regulations and ordinances.** In carrying on activities related to solid waste collection or transportation within this municipality, all municipal waste collectors and all municipal waste transporters shall comply with the county ordinance, this article and the other municipal waste flow ordinances and all rules and regulations pertaining to the collection, transportation, processing and disposal of solid waste as may be hereafter promulgated by the Waste Authority. Delivery by such collectors or transporters to the Northern County System of unacceptable waste, nonprocessable waste (except for white goods) and waste from unapproved sources is prohibited.
- C. **Administration.** Licenses hereunder shall be issued and revoked by the Waste Authority

8. Editor's Note: The term "IMA" stands for the Intermunicipal Agreement for the Disposal of Northern Montgomery County Municipal Solid Waste.

9. Editor's Note: See 35 P.S. § 6018.101 and 53 P.S. § 4000.101 et seq., respectively.

10. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

and administered by it. Any collectors or transporters who fail to comply with the provisions of this article shall be subject to any applicable sanctions in addition to the revocation of their licenses.

§ 178-3. Disposal of municipal waste.

- A. Delivery to Northern County System. Except as provided in Subsections B and C below, all acceptable waste generated within this municipality shall be delivered to the Northern County System, and all acceptable waste collectors and transporters shall deliver to and dispose of all acceptable waste collected or generated within this municipality to solid waste facilities designated in the plan or the plan revision at one or more points of entry into the Northern County System as designated from time to time by the Waste Authority.
- B. Disposal at other sites. Disposal of municipal waste collected or generated within municipality may occur at other sites only as permitted by rule, regulation, ordinance or order duly issued by the Waste Authority or by the written agreement of the Waste Authority.
- C. Recycling. Nothing herein shall be deemed to prohibit source separation or recycling or to affect any sites at which source separation or recycling may take place.

§ 178-4. Regulations.

- A. Compliance with waste authority regulations. The collection, transportation, processing and disposal of municipal waste present or generated within the municipality shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the Waste Authority, including, without limitation, regulations relating to the operation, management and administration of the Northern County System, applications and standards for licensing requirements for payment bonds or other payment security, including but not limited to meeting liability insurance requirements, fees to be charged for such licensing, the terms of licenses, procedures, recordkeeping, transportation routes, payment for services, billing for shortfalls, sanctions for nonpayment and other matters.
- B. Adoption of regulations. Rules and regulations adopted by the Waste Authority for the Northern County System shall be deemed rules and regulations adopted under this article.
- C. Consistency of regulations with ordinance and other laws. No rules or regulations adopted by the municipality pursuant to this article shall be in violation of or inconsistent with the provisions of this article, the other municipal waste flow ordinances, the County Waste Flow Ordinance, the plan, the plan revision, the provisions and purposes of Act 97, Act 101¹¹ or regulations adopted thereunder or such other laws, regulations or requirements as may be enacted by the United States of America, the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Resources or the Pennsylvania Environmental Quality Board governing municipal waste planning, collection, storage, transportation, processing or disposal.
- D. Enforcement of waste flow control. Enforcement of waste flow control and the terms of

11. Editor's Note: See 35 P.S. § 6018.101 and 53 P.S. § 4000.101 et seq., respectively.

and any duties established pursuant to the County Waste Flow Ordinance, the other municipal waste flow ordinances and this article will be the responsibility of the county or the Waste Authority and, if requested by the county or the Waste Authority, with the cooperation of the municipalities.

§ 178-5. Annual survey.

All generators of municipal waste, and all municipal waste collectors and municipal waste transporters, any landfill operators, any transfer station operators or any other parties involved in the collection, transportation, processing or disposal of municipal waste of the municipality shall cooperate in the taking and preparation of an annual survey to be conducted by an engineering consultant designated by the Waste Authority.

§ 178-6. Certain prohibitions and requirements.

- A. No person shall enter into any contract or conduct any other activity concerning the collection, transportation, processing or disposal of municipal waste in the municipality in contravention of the terms of the County Waste Flow Ordinance, this article or any rules and regulations issued thereunder.
- B. Recycling. Nothing contained in this article shall interfere with the operation of any program for recycling.
- C. This Article shall be construed consistently with Act 97 and Act 101.¹²

§ 178-7. Creation of authority.

The county has created the Waste Authority to administer the terms of the County Waste Flow Ordinance and to operate and administer the Northern County System.

§ 178-8. Unlawful activities; nuisance.

- A. Unlawful conduct. It shall be unlawful for any person to:
 - (1) Violate, cause or assist in the violation of any provision of this article, any rule, regulation or order promulgated hereunder or any rule, regulation or order promulgated by the Waste Authority or the county consistent with this article.
 - (2) Transport, process, treat, transfer or dispose of or cause to be processed, treated, transferred or disposed municipal waste generated within the municipality except as provided for in this article.
 - (3) Collect or transport municipal waste present or generated within the municipality without a valid license for collection or transportation issued by the waste authority.
 - (4) Hinder, obstruct, prevent or interfere with the municipality, the Waste Authority or the county or their personnel in the performance of any duty under this article or in the enforcement of this article.

12. Editor's Note: See 35 P.S. § 6018.101 and 53 P.S. § 4000.101 et seq., respectively.

(5) Act in a manner that is contrary to Act 97 or Act 101,¹³ regulations promulgated thereunder, the plan, the plan revision, this article, the county ordinance, rules or regulations promulgated under this article, the county ordinance or the terms of licenses issued thereunder.

B. Public nuisance. Any unlawful conduct set forth in Subsection A hereof shall constitute a public nuisance.

§ 178-9. Violations and penalties. [Amended 11-22-1994 by Ord. No. 674]

Any person who engages in unlawful conduct as defined in this article shall, upon conviction thereof in a summary proceeding before a District Justice be sentenced to pay a fine of not more than \$1,000 for each offense, and, in default of payment thereof, shall be committed to the county jail for a period not exceeding 30 days. Each day that there is a violation of this article shall constitute a separate offense.

§ 178-10. Revocation of license.

Upon finding that any person has engaged in unlawful conduct as defined in this article, the Waste Authority may revoke any license issued to that person in accordance with § 178-2 of this article, and the Waste Authority may deny any subsequent application by that person for a license pursuant to § 178-2 hereof.

§ 178-11. Injunctions; concurrent remedies.

A. Restraining violations. In addition to any other remedy provided in this article, the Waste Authority or the county may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this article for an injunction to restrain a violation of this article or rules, regulations, orders or the terms of licenses promulgated or issued pursuant to this article. In addition to an injunction, the court may impose penalties as authorized by § 178-9 hereof.

B. Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Waste Authority or the county from exercising any other remedy provided by this article or otherwise provided at law or equity.

§ 178-12. Intermunicipal agreement.

A. Entry into IMA. In order to implement the intent and terms of this article, the municipality, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180, codified at 53 P.S. §§ 481 to 490 (Purdon 1974 and Purdon Supp. 1990) and Article IX, Section 5, of the Constitution of the Commonwealth of Pennsylvania, has determined to enter into the IMA between the municipality, the county, the Waste Authority and other municipalities within the Northern District, together with such changes consistent with this article, if any, as may be approved by the officials of the parties

13. Editor's Note: See 35 P.S. § 6018.101 and 53 P.S. § 4000.101 et seq., respectively.

executing the same, such execution to be conclusive evidence of such approval.

B. Terms and implementation of IMA. As more fully set forth in the IMA and this article:

(1) Terms of IMA. In the IMA:

- (a) The Waste Authority agrees to arrange through the Northern County System for the provision of municipal waste disposal facilities for the economical and environmentally sound disposal of acceptable waste generated within the municipalities.
- (b) The municipalities state that they have enacted a municipal waste flow ordinance in a form substantially similar to this article which requires that all acceptable waste be delivered to the Northern County System.
- (c) The county and the Waste Authority agree to enact or cause to be enacted rules and regulations and to enforce or cause to be enforced this article and the County Waste Flow Ordinance and the parallel municipal waste flow ordinances.
- (d) The municipalities agree to cooperate with the Waste Authority in the enforcement of the IMA and all ordinances enacted pursuant to the IMA (provided, however that to the extent the enforcement of such ordinances can properly be delegated to it, the Waste Authority shall undertake the primary responsibility for such enforcement) and the municipalities thereby agree cooperatively to exercise their powers to accomplish the objectives of the IMA.

(2) Duration of term of the IMA. The term of the IMA shall commence on the date thereof and shall terminate on the 10th anniversary of the date the Northern County System becomes operational.

(3) Purpose and objectives of IMA. The purpose of the IMA is to provide a mechanism to implement and operate the Northern County System.

(4) Financial obligations under the IMA. During the term of the IMA, municipalities (to the extent that they engage in the collection or transportation of municipal waste or contract with other persons for the collection or disposal of municipal waste) and other persons using the Northern County System shall pay to the Waste Authority on a monthly basis the appropriate per ton tipping fee plus any other charges payable, as specified by the Waste Authority, for all tonnage delivered or caused to be delivered to the Northern County System in accordance with Article III of the IMA. Municipalities shall provide certain moneys for operating expenses of the Authority to the extent not paid for through tipping fees on the basis of adjusted population data.

C. Execution. Appropriate officers of this municipality are authorized and directed to execute the IMA on behalf of this municipality.

D. Findings under Intergovernmental Cooperation Act. As required by the Intergovernmental Cooperation Act of July 12, 1972, P.L. 762, No. 180, as amended, the following matters are specifically found and determined:

(1) The conditions of agreement are set forth in the IMA;

- (2) The duration of the term of the agreement is set forth in Section 801 of the IMA;
- (3) The purpose of the IMA is to cooperate with the county or Waste Authority and other municipalities in implementing the plan and the plan revision;
- (4) The agreement will be financed through tipping fees imposed on users of the Northern County System and through the budgeting and appropriation of funds by municipality as necessary to meet the expenses of the Waste Authority;
- (5) The organizational structure necessary to implement the agreement is set forth in the IMA with which the current officers of the municipality shall cooperate;
- (6) The manner in which property, real or personal, shall be acquired, managed, licensed or disposed of is as set forth in the IMA; and
- (7) The Agreement contemplates cooperation with the county or Waste Authority, which entities are empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for their employees.

§ 178-13. Construction.

The terms and provisions of this article are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Article shall be construed in pari materia with Act 97 and Act 101.¹⁴

§ 178-14. Compliance with IMA.

The municipality will take such actions as are necessary to comply with the terms of the IMA and to fulfill its obligations thereunder.

ARTICLE II
Recycling
[Adopted 8-27-1991 by Ord. No. 639]

§ 178-15. Title.

This Article shall be known as the "Municipal Waste Collection and Recycling Ordinance."

§ 178-16. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

ACT 97 — The Solid Waste Management Act of 1980.¹⁵

ACT 101 — The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.¹⁶

ALUMINUM — Empty, all-aluminum beverage and food containers, commonly known as

14. Editor's Note: See 35 P.S. § 6018.101 et seq., and 53 P.S. § 4000.101 et seq., respectively.

15. Editor's Note: See 35 P.S. § 6018.101 et seq.

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

"aluminum cans."

AUTHORITY or WASTE AUTHORITY — The Waste System Authority of Northern Montgomery County, Pennsylvania, formed by resolution of the Montgomery County Board of Commissioners on December 6, 1989.

BI-METAL CANS — Empty food or beverage containers constructed of a mixture of ferrous metal, usually tin or steel, and nonferrous metal, usually aluminum.

BUSINESS(ES) — The legal owner, occupant or lessee of a commercial, industrial or cooperative enterprise, firm, partnership, corporation, association, institution, trust, governmental entity that engages in any form of business or governmental activity which does not have curbside collection of municipal waste.

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.

CORRUGATED PAPER — Paper products made of a stiff, moderately thick paper board, containing folds or alternating ridges, commonly known as "cardboard."

DEP — Pennsylvania Department of Environmental Protection. [Added 12-17-2007 by Ord. No. 756]

DER — The Pennsylvania Department of Environmental Resources.

DISTRICT — The area within the political boundaries of the 12 municipalities of Franconia Township, Hatfield Borough, Hatfield Township, Lansdale Borough, Lower Gwynedd Township, Lower Salford Township, Montgomery Township, North Wales Borough, Souderton Borough, Telford Borough, Towamencin Township and Upper Gwynedd Township, as provided in the plan.

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.

GRASS CLIPPINGS — The material bagged or raked during or after cutting of a lawn, field or similar grassed area.

HIGH-GRADE OFFICE PAPER — All types of white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

HOUSEHOLD HAZARDOUS WASTE — Small quantities of hazardous waste (as defined in the Solid Waste Management Act) available to a person or entity on a retail basis such as pesticides, certain paints, cleaning agents and automotive products.

LANDLORD(S) — Any individual or organizational owner who rents and/or leases residential units, commercial space or industrial complex(es). "Landlords" own the properties in question and deal directly with their tenants or lessees.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings and similar material, but does not include grass clippings.

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.

MIXED PAPER — All types of paper combinations such as colored paper, carbonless forms, ledger paper, colored paper envelopes, mixtures of high-grade office paper and the like.

MUNICIPALITY — The Borough of North Wales.

MUNICIPAL WASTE — Any Municipal Waste as defined by Section 103 of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. § 6018.101 et seq., and Section 103 of Act 101, and any rules and regulations promulgated thereunder.¹⁷

MUNICIPAL WASTE COLLECTOR(S) — Any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials in the district. A municipality shall be considered a "municipal waste collector" if it provides manpower and equipment for the collection of municipal waste.

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.

NMCRC — Northern Montgomery County Recycling Commission. [Added 12-17-2007 by Ord. No. 756]

NONCURBSIDE RESIDENT(S) — Residents of a multifamily residential unit where provision is made to collect and dispose of waste through collective dumpsters.

NORTHERN DISTRICT or DISTRICT — The area within the political boundaries of the 12 municipalities of Franconia Township, Hatfield Borough, Hatfield Township, Lansdale Borough, Lower Gwynedd Township, Lower Salford Township, Montgomery Township, North Wales Borough, Souderton Borough, Telford Borough, Towamencin Township and Upper Gwynedd Township, as provided in the plan.

PARTICIPATING MUNICIPALITIES — Those municipalities which have executed the IMA.

PERSON or ENTITY — Any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal institution or agency, state institution or agency (including but not limited to the Department of General Services and the Public School Building Authority), other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this article prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

PLAN or COUNTY PLAN — The 1990 Revision of the county-wide municipal waste

¹⁷. Editor's Note: See 35 P.S. § 6018.101 et seq., and 53 P.S. § 4000.101 et seq., respectively.

management plan adopted by the county and approved by DER, as such may hereinafter be supplemented, revised, amended or modified in compliance with the law.

PLASTIC CONTAINERS — Empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

RECYCLABLE MATERIALS — Materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to clear glass, colored (brown or green) glass, aluminum, steel and bimetal cans, high-grade office paper, mixed paper, newspaper, corrugated paper and plastic containers.

RECYCLING COLLECTOR — A municipal waste collector engaged in the collection, removal, transportation or hauling of recyclable materials.

RECYCLING PROGRAM — The program developed and implemented by the Authority, pursuant to the IMA, to collect and recycle recyclable materials in the Northern District. As provided in the IMA, such program shall be consistent with the county plan (as revised and supplemented) adopted by the county and approved by DER, as such may hereinafter be revised, amended or modified in compliance with the law.

RENTAL AGENT(S) — 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(s).

RESIDENT(S) — The legal owner, occupant or lessee of a single-family residential unit that has curbside collection of municipal wastes or of any other type of multifamily residential unit, including but not limited to townhomes, duplexes, condominiums and apartments, whose multifamily unit has curbside recycling of municipal waste. Also classified as "resident" will be any business professional who operates a profession from his/her personal residence.

B. All terms not separately defined in this article that are contained in the Solid Waste Management Act and Act 101¹⁸ are incorporated herein by reference.

§ 178-17. Legislative intent.

A. The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. It is the intent of this article to promote, require and regulate recycling activities in the municipality and to protect the health, safety and welfare of residents.

B. This Article has been developed to meet and implement municipal responsibilities established under Act 101.¹⁹

18. Editor's Note: See 35 P.S. § 6018.101 et seq. and 53 P.S. § et seq., 4000.101 et seq., respectively.

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

- C. It is the intent of this article to promote intergovernmental cooperation in recycling activities among the municipalities of the Northern District. Such cooperation will be undertaken to more efficiently conduct recycling programs and to reduce costs.
- D. The municipality's adoption of this article anticipates the assignment of certain of its duties and powers under Act 101²⁰ to the Authority with respect to recycling activities. Such assignment of duties and powers will be accomplished in accordance with Section 304(c) of Act 101 by the IMA. Duties and powers not assigned by the IMA or subsequent agreement shall remain with the municipality.

§ 178-18. Program authorization.

- A. The Authority is authorized to carry out a recycling program on behalf of the municipality in accordance with the terms and conditions of the IMA.
- B. The Authority is authorized to license the municipal waste collectors for recycling activities in conjunction with its municipal waste collection and disposal licensing activities.
- C. In accordance with the responsibilities in this article, the Authority is authorized to establish by resolution rules and regulations related to the administration of the recycling program and to administer all such rules and regulations. The Authority shall determine the recyclable materials to be separated by residents, noncurbside residents and businesses and collected by municipal waste collectors. However, this designation may be changed by the Authority from time to time. The municipality may require additional materials to be recycled, in which event such additional materials shall be deposited at drop-off centers designated by the municipality, and the municipal waste collector will not be responsible for collecting such materials. Any additional requirements imposed by the municipality shall be consistent with and not interfere with the recycling program developed and implemented by the Authority. Commercial, municipal and institutional establishments shall be required to separate the materials designated by the Authority for recycling.
- D. In accordance with Section 1501(c)(1)(iii) of Act 101,²¹ the Authority shall be authorized to exempt persons occupying commercial, institutional and municipal establishments from the requirements of this article if they have otherwise provided for the recycling of materials designated by this article and any subsequent resolutions. To be eligible for this exemption, the commercial, institutional or municipal waste generator must provide, on a quarterly basis, written documentation to the municipality and the Authority of the total quantity of each material recycled, in the form and by the Act as provided for in the Authority's rules and regulations. Exemptions shall be handled administratively by the Authority.

§ 178-19. Generator requirements.

- A. Each person or entity who generates municipal waste in the district, as required by Act

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

21. Editor's Note: See 53 P.S. § 4000.4501(c)(1)(iii).

101,²² shall be responsible for complying with the requirements of this article for the separation of recyclable materials. This shall include tenants and lessees occupying rented and nonowned property.

- B. Every resident of the municipality shall be required to separate the materials designated by the Authority for recycling.
- C. Owners, landlords or rental agents of any leased or rented property, other than single-family-type homes or single-tenant-occupied property, shall be responsible for publicly posting educational information provided by the Authority, municipality and/or municipal waste collectors, providing appropriate recyclable material collection containers and providing for the pickup of such containers in accordance with this article. Owners, landlords or rental agents of a leased or rented property occupied by a single tenant may assign such responsibility to the tenant or lessee occupying a property in writing or through a lease or rental agreement.
- D. Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law. Provisions for the collection or use of leaf waste shall be the responsibility of the municipal waste collectors as more fully set forth in § 178-24 hereof.
- E. All occupants of single-family homes, including townhouse- or rowhouse-type residences where individual municipal waste collection occurs, shall maintain a separate container of the type specified or provided by the Authority or municipal waste collector to collect all designated recyclable materials in a commingled or modified commingled (e.g., different materials separated into paper bags and placed in the container) fashion, as established by the municipal waste collector, subject to the rules and regulations of the Authority. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at 6:00 p.m. on the evening prior to the day of scheduled collection, and the empty container shall be removed by 12:00 midnight on the day of scheduled collection. The time for placing and removing containers may be changed by the municipality by resolution or by the Authority. Newspapers may also be placed in paper bags (no plastic bags) or bundled and tied, both across and lengthwise with rope or cord, and kept dry prior to collection and placed at curbside with the recycling container. No such municipal waste containers or recyclable material containers, including bundles of newspapers (other than containers supplied by municipal waste collectors), shall weigh more than 50 pounds, and containers or bundles shall not be placed in the cartway. Municipal waste placed at the curb- or streetline for collection must be in closed, waterproof containers.
- F. Owners or landlords of any multifamily residential 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 and source-separated or commingled recyclable material containers, or dumpsters

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

may be utilized. The containers or dumpsters must be provided at easily accessible locations, and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multifamily residential units who comply with the requirements of this section shall not be liable for the noncompliance of any persons 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 recyclable materials and placing them in the containers or dumpsters provided for such purposes.

- G. Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements outlined in Subsection F unless exempted under § 178-18D of this article or unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property.

§ 178-20. Municipal waste collectors.

A. Licensing requirements.

- (1) From October 1, 1991, no person or entity shall be permitted to engage in the collection or transportation of recyclable materials in the municipality unless it has been licensed by the Authority, has maintained that license in good standing and has continued to observe all of the provisions of this article and of the rules and regulations of the Authority.
- (2) Every person or entity who desires to engage in or wishes to continue engaging in the collection, removal, transportation or hauling of recyclable materials in the municipality shall be required to first become licensed with the Authority. Such license shall be effective for a period of one year beginning January 1 of each calendar year. Every person or entity desiring or continuing to engage in such activity shall apply to the Authority for a license on or before December 1 to qualify as a licensed municipal waste collector on January 1 of the following year, and shall complete any forms or application materials as requested by the Authority. [Amended 11-22-1994 by Ord. No. 674]
- (3) The collection equipment and transportation vehicles used for the collection of recyclable materials within the municipality shall be as specified by the Authority in the rules and regulations. Unless specifically provided otherwise in the Authority's rules and regulations, all vehicles should meet at least the following requirements. All vehicles should have a closed body type, and said collection equipment and transportation vehicles shall be labeled to indicate the name of the recycling collector and shall further indicate that the vehicle is transporting recyclable materials. Said vehicles shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Recyclable materials so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

- (4) Unless specifically provided otherwise in the Authority's rules and regulations, no person or entity shall be entitled to obtain a license from the Authority as a recycling collector unless such person or entity can show certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance, workers' compensation insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall from time to time be set forth by the Authority in its rules and regulations. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will transmit to both the Authority and the municipality, by certified mail, written notice of any modifications, alterations or cancellation of any policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to both the Authority and the municipality at least 10 days prior to the effective date of any such modification, alteration or cancellation. Failure to maintain required insurance coverage shall result in cancellation or forfeiture of the collector's license.
- (5) Unless specifically provided otherwise in the Authority's rules and regulations, each recycling collector shall, on the first day of each calendar quarter, file a rate schedule with the Authority showing the rates to be charged to its customers for the collection of recyclable materials. Such rate schedule shall not be changed by the recyclable collector without first giving notice to the Authority at least 30 days prior to the effective date of such change. Each recycling collector shall file a map with the Authority and the municipality on the first day of each calendar year, or upon changes of its routes, showing the areas of the municipality in which it operates and a timetable setting forth the days of collection. Collections of recyclable materials by recycling collectors shall take place at the times designated by this article or the Authority's rules and regulations.
- (6) At the time of such application, the recycling collector shall pay the Authority a registration fee and a truck fee for each transportation vehicle that will be used in the Northern District to collect recyclable materials, which sum shall be used to offset the administrative and regulatory costs of the Authority. The registration fee and the truck fee shall be set by the Authority from time to time.

B. Reporting and recordkeeping requirements.

- (1) Unless specifically provided otherwise in the Authority's rules and regulations, all municipal waste collectors shall, at least 30 days prior to the start of the recycling program and at least every six months thereafter, deliver or include with their invoices sent to customers an information sheet on recycling.
- (2) Municipal waste collectors shall be responsible for obtaining weight and volume data on all municipal waste and recyclable materials collected by them in the municipality. Said data shall be supplied to the Authority on a quarterly basis, and fourth-quarter data shall be supplied to the Authority by January 15 for the preceding year, so that the Authority on behalf of the municipality may submit reports in accordance with Act 101 and other applicable laws, and submit applications for recycling performance grants, all in accordance with the rules and regulations of the Authority.

- (3) Municipal waste collectors shall maintain records of their collection, removal, transportation and hauling activities and make them available for inspection by the Authority, in accordance with the rules and regulations of the Authority.

C. Collection, processing and marketing requirements.

- (1) Each municipal waste collector operating in the municipality shall be responsible for complying with the requirements of this article and the Authority's rules and regulations for the collection, processing and marketing of recyclable materials.
- (2) The municipal waste collector shall, in providing refuse collection and disposal services to a single-family residential home, also provide for the collection of recyclable materials. Unless specifically provided otherwise in the Authority's rules and regulations, where once- or twice-a-week municipal waste collection is provided, the municipal waste collector must provide at least once-a-week recyclable material collection. Customers using once-a-month municipal waste collection must have recyclable materials collected at least once-a-month. The municipal waste collector shall, prior to being licensed for municipal waste collection each year, provide proof to the Authority that the collection of recyclable materials by it can be undertaken in accordance with the requirements of this article and the Authority's rules and regulations.
- (3) The collection of recyclable materials for all establishments other than single-family residential homes shall be on an as-required basis as established by the Authority.
- (4) No municipal waste collector shall be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.
- (5) The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials. Such activities may be conducted by the municipal waste collector or any agent thereof or a private entity conducting such business, a nonprofit entity able to undertake such effort or any governmentally owned or operated facility capable of such functions.
- (6) The municipal waste collector shall, prior to initiating processing and marketing activities, provide the Authority with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.
- (7) All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the municipality. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the commingled recyclable materials shall also be provided. Written reports shall be provided to the Authority on reporting forms provided by the Authority and shall include the name and location of the processing center and/or recyclable materials dealer and shall be submitted in accordance with the time schedules established in this article.

- (8) Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation must be provided to the Authority by January 31 of each year for materials collected in the preceding calendar year of the total quantity of leaf waste collected. The collector has the option of reporting tonnage either in compacted or uncompact cubic yards.

§ 178-21. Assignment of program responsibilities and intergovernmental cooperation.

- A. The municipality recognizes that intergovernmental cooperation among the municipalities of the Northern District and the Authority will be of benefit to the municipality by more efficiently conducting recycling program activities. Intergovernmental cooperation efforts will include but are not limited to the following:
 - (1) Determining the materials to be recycled on a region-wide basis.
 - (2) Development of joint education programs, including the placement of newspaper ads.
 - (3) Preparation of information for municipality newsletters.
 - (4) Development of reporting forms and grant applications and the filing of such forms and applications with the appropriate agencies.
 - (5) Purchase of additional recycling containers for new residents or as replacements are required.
 - (6) Preparation of informational sheets for municipal waste collectors.
 - (7) Promulgation of rules and regulations pertaining to the recycling program.
- B. Such intergovernmental cooperation efforts will be undertaken through the Authority pursuant to the IMA.
- C. Intermunicipal agreement.
 - (1) Entry in IMA. In order to implement the intent and terms of this article, the municipality, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, codified at 53 P.S. §§ 481 through 490 and Article IX, Section 5, of the Constitution of the Commonwealth of Pennsylvania, has determined to enter into the IMA between the municipality, the Authority and other municipalities within the Northern District, together with such changes consistent with this article, if any, as may be approved by the officials of the parties executing the same, such execution to be conclusive evidence of such approval.
 - (2) Terms and implementation of IMA shall be as more fully set forth in the IMA and this article.
 - (a) Conditions and terms of IMA. In the IMA:
 - [1] The Authority shall develop and implement a recycling program for the municipalities in the North Penn Area.
 - [2] The participating municipalities state that they have enacted a municipal

recycling ordinance in a form substantially similar to this article.

- [3] The Authority is authorized to promulgate rules and regulations and administer those rules and regulations.
 - [4] The parties agree to cooperate in the enforcement of the IMA and all ordinances enacted pursuant to the IMA.
- (b) Initial duration and term of the IMA. The initial term of the IMA will be two years.
 - (c) Purpose and objectives of the IMA. The purpose of the IMA is to provide a uniform recycling program for the Northern District and minimize duplicative efforts by the municipalities in the Northern District.
 - (d) Manner and extent of financing the IMA. During the term of the IMA, the municipality shall remit to the Authority all grant moneys received from the commonwealth for recycling activities.
- (3) Execution. Appropriate officers of this municipality are authorized and directed to execute the IMA on behalf of this municipality.
 - (4) Findings under Intergovernmental Cooperation Act. As required by the Intergovernmental Cooperation Act of July 12, 1972, P.L. 762, No. 180, as amended, the following matters are specifically found and determined:
 - (a) The conditions of agreement are set forth in the IMA.
 - (b) The duration of the term of the agreement is set forth in Sections 913 and 914 of the IMA.
 - (c) The purpose of the IMA is to cooperate with the Authority and other participating municipalities in developing and implementing a recycling program.
 - (d) The agreement will be financed through funds secured by grants, fees to be imposed on recycling collectors and other funds of the Authority, as may be required.
 - (e) The organizational structure necessary to implement the agreement is set forth in the IMA with which the officers of the municipality shall cooperate.
 - (f) The manner in which property, real or personal, shall be acquired, managed, licensed or disposed of is by way of lease or other contract unless otherwise set forth in the IMA.
 - (g) The IMA contemplates cooperation with the Authority, which entity is empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for its employees.

§ 178-22. Ownership of recyclable materials and municipal waste.

A. All recyclable materials and municipal waste placed at curbside for collection or in any

container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in § 178-25 of this article.

- B. It shall be a violation of this article for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in § 178-25 of this article. Each unauthorized collection from one or more designated locations on one calendar day in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 178-23. Alternate recycling activities.

- A. Any person or entity may utilize alternative methods, other than collection by a municipal waste collector, to accomplish the purpose of re-utilizing recyclable materials. Recyclable materials may be donated or sold to any person or entity, whether operating for profit or not, provided that the recycler shall not utilize alternative recycling methods without prior written permission from the Authority unless authorized by the rules and regulations of the Authority. Such person or entity must comply with the requirements imposed by the Authority.
- B. The Authority is authorized to permit an alternate recycling program to be developed in accordance with Section 1501(h) of Act 101²³ if the requirements of that section can be complied with. The Authority shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide quarterly written documentation to the Authority of the total quantity of each material recycled.

§ 178-24. Handling of leaf waste. [Amended 12-17-2007 by Ord. No. 756]

- A. The Municipality hereby authorizes establishment of a program for curbside collection of leaf waste at least once during the spring and at least once during the fall of each year. In addition thereto, the leaf waste collection program shall be augmented by designation by the Municipality of a DEP-permitted, drop-off compost facility for residents of the Municipality to utilize as needed, which facility must be open at least once per month for collection of leaf waste generated between scheduled collections.
- B. Leaf waste collection shall be conducted by the Municipality or authorized private municipal waste collectors in accordance with regulations of DEP. All leaf waste shall be disposed of in a DEP-permitted compost facility in accordance with all applicable state guidelines.
- C. All private municipal waste collectors shall provide the Municipality and NMCRC with the name and address of the facility(ies) where the leaf waste will be disposed and report the quantity in tons or cubic yards. Leaf waste shall not be commingled with any other municipal solid waste. The disposal of leaf waste at a sanitary landfill, waste-to-energy facility or any other facility which is not a DEP-permitted composting facility is strictly

23. Editor's Note: See 53 P.S. § 4000.1501(h).

prohibited.

- D. The methodology for separating and collecting leaf waste shall be established and implemented by the Municipality and imposed upon participating private waste collectors. The leaf waste collection guidelines set forth in this article are intended to be general in nature. The actual leaf waste collection and education program shall be established in more detail by the Municipality pursuant to resolution and is subject to modification, as needed from time to time, provided any modifications to the program comply with this article and the most recent regulations of DEP.
- E. Leaf waste shall not be left at curbside more than 24 hours prior to collection and shall not be left in a form which obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

§ 178-25. Enforcement; violations and penalties. [Amended 11-22-1994 by Ord. No. 674; 12-17-2007 by Ord. No. 756]

- A. Any person or entity violating the provisions of this article pertaining to the separation of recyclable materials and leaf waste, collected within the boundaries of any municipality which is a member of the NMCRC, including co-mingling of recyclable materials and leaf waste with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested, from the NMCRC solicitor and/or from the solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this article pertaining to the separation of recyclable materials and leaf waste collected within the boundaries of any municipality which is a member of the NMCRC shall be subject to a criminal fine of not less than \$2,500 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the municipality in which the alleged violation occurred before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- B. No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein with written notice for the first offense and also provide the NMCRC and the member municipality with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials and leaf waste from a person or entity who or which has previously been notified by the NMCRC, municipality and/or a municipal waste collector of noncompliance shall receive an official warning from the member municipality and/or NMCRC for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine of not less than \$1,500 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violation shall be by action commenced by the NMCRC and/or the

municipality in which the alleged violation occurred before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

- C. Any person or entity who shall violate any provision of this article not covered in Subsection A or B above shall receive an official written warning sent certified mail, return receipt requested, from the NMCRC solicitor and/or from the solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this article not otherwise covered in Sections A or B shall, upon conviction, be subject to a criminal fine of not less \$500 per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or appropriate member municipality before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this article continues shall constitute a separate offense punishable by a like fine or penalty.
- D. The NMCRC and the Municipality are authorized to establish, through its rules and regulations, procedures through which violations of this article and of the NMCRC or the Municipality's rules and regulations themselves may be determined and administrative sanctions therefor, including but not limited to imposition of monetary penalties.
- E. Nothing in this section shall be construed to limit the NMCRC or the Municipality's remedies which shall include but not be limited to including the filing of actions at law or in equity seeking damages and/or injunctive relief.

§ 178-26. Construction.

This Article shall be construed under the laws of the Commonwealth of Pennsylvania.

§ 178-27. Modifications.

The municipality may, from time to time, modify the regulations adopted in accordance with this article or make modifications to this article.

§ 178-28. Effective date and implementation.

- A. This Article shall take effect and be enforced as of September 1, 1991, for residential and curbside collection; and on or before October 1, 1991, for businesses and noncurbside residents.
- B. The municipal waste collectors shall take the necessary steps to implement the collection of recyclable materials upon the effective date of this article.

ARTICLE III
Municipal Waste Collection and Recycling

[Municipal waste collection and recycling provisions were adopted 3-26-2007 by Ord. No. 750. A copy of this ordinance, as well as any subsequent amendments thereto, is on file in the Borough offices and available for examination during regular office hours.]