

## **Chapter 20**

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**Part 1****Municipal Collection and Disposal of Municipal Waste****§20-101. Short Title.**

This Part shall be known as the "Dover Township Municipal Collection Disposal of Municipal Waste Ordinance of 2001."

(*Ord. 2001-2, 5/14/2001, §1*)

**§20-102. Definitions.**

The following words, terms and phrases shall have ascribed to them the meanings herein set forth, unless the use of such word, term or phrase in context clearly indicates a different meaning:

*Contractor* - the person, corporation or partnership with whom the Township of Dover shall enter into a contract for collection, transportation and disposal of municipal waste along with billing and collection for the service.

*Dwelling* - a building or structure used for residential purposes, except hotels and motels.

*Dwelling unit* - any room or group of rooms in a dwelling, which room or rooms have fixed cooking facilities arranged for occupancy by one person, two or more persons living together or one family having a separate address.

*Municipal waste* - any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

*Person* - any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, public and private schools and educational facilities, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

*Township* - the Township of Dover, York County, Pennsylvania, or its authorized representative or representatives.

(*Ord. 2001-2, 5/14/2001, §2*)

**§20-103. Establishment of Program.**

There is hereby established in the Township a mandatory collection, transportation

and disposal program for the collection, transportation and disposal of municipal wastes from residential dwelling units. The Township is authorized to promulgate such rules and regulations as are necessary to implement the collection, transportation and disposal program for municipal waste from residential dwelling units. The Township is authorized to enter into a contract with a contractor for the collection, transportation, disposal and billing of municipal waste, which contract shall contain such terms and conditions as the Township shall deem appropriate.

*(Ord. 2001-2, 5/14/2001, §3)*

**§20-104. Authorized Contractor.**

On and after the effective date of this Part, only the contractor authorized by the Township shall collect, transport and dispose of municipal waste from a dwelling unit within Dover Township.

*(Ord. 2001-2, 5/14/2001, §4)*

**§20-105. Duty of Residents.**

Each person owning or occupying a dwelling unit within the Township is required to participate in the mandatory municipal waste disposal program and shall have all municipal waste and recyclables collected, transported and disposed of by the contractor selected by the Township to collect, transport and dispose of all municipal waste generated within the Township. It shall be unlawful for any person to accumulate ashes, garbage, municipal or other solid waste and other refuse materials upon private property. If a resident who owns a business within the Township has a contract with a hauler for the collection of commercial municipal waste and recyclables the resident can apply for a waiver from collection through the Township residential contract. A copy of any current contract between the resident and the commercial hauler must be on file within the Township office before a waiver is granted. Any resident electing the waiver shall be responsible to source separate recyclables as per *Ord. 96-10, 8/12/1996 [Part 2]*.

*(Ord. 2001-2, 5/14/2001, §5)*

**§20-106. Containers.**

A "container" is defined as a receptacle in which municipal waste is placed for collection, including cans, barrels, boxes and plastic bags, provided, however, that they are so constructed as to be fit for permanent use, or in the case of bags, for one time use. All municipal waste containers or plastic bags shall be securely covered or tied as the case may be. Such containers, when filled, shall not weigh more than 50 pounds each. It is understood that all municipal waste must be in containers, or securely tied in bundles not larger than 3 feet by 3 feet; such bundles will be considered containers, and the maximum weight of 50 pounds per container shall apply. Containers shall not be placed at the curbside or next to the cartway earlier than 5 p.m. the evening of the day preceding a scheduled collection day. Contractor may furnish its own receptacles, not to exceed a capacity of 90 gallons; however, such receptacles shall be considered as the equivalent of two containers for the purposes of the contract.

*(Ord. 2001-2, 5/14/2001, §6)*

**§20-107. Quantity.**

Contractor shall collect such containers, or secured plastic bags, or bundles as required in any contract with the Township of the authorized size and weight on each collection day unless the resident has a pre-arrangement in any other contract approved by the Township. Tires, removed from the wheels, cannot exceed 32 inches in diameter or a maximum of 12 inches tread width, shall count as one container. Where contractor has not made a collection by reason of the failure of the residents of a dwelling unit to comply with this Part or regulations, the contractor shall report the matter in writing to the Township.

(*Ord. 2001-2, 5/14/2001, §7*)

**§20-108. Collection Routes.**

The contractor shall collect municipal waste on both sides of all public streets and highways in the Township which are maintained and adopted by either the Township or the Commonwealth of Pennsylvania and on all private roads as directed by the Township. Collection shall be made from the front curb line, or where there is no curb, immediately next to the cartway of the public street or road.

(*Ord. 2001-2, 5/14/2001, §8*)

**§20-109. Collection Schedules.**

The contractor shall collect municipal waste in accordance with the terms of the contract between contractor and Township, but in no event less than one time per week from each collection point. The contractor shall commence the collection of municipal waste between the hours of 7 a.m., prevailing time, and shall complete collection no later than 6 p.m., prevailing time, unless modified by the Board of Supervisors. No collections shall be scheduled for any Sunday. If the regular collection day shall fall on any of the following holidays; the contractor shall make the collection on the next regular working day after the holiday. The holidays are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Contractor shall provide to the Township a local number that residents may use to contact contractor until 6 p.m. prevailing time.

(*Ord. 2001-2, 5/14/2001, §9; as amended by Ord. 2005-08, 10/24/2005*)

**§20-110. Collection Equipment.**

Vehicles used in making the collections shall have completely enclosed watertight metal compaction bodies and shall be able to traverse all public or private roads and streets as directed by the Township. All such equipment shall be approved by the Pennsylvania Department of Environmental Protection, or equivalent State agency having jurisdiction over municipal or solid waste.

(*Ord. 2001-2, 5/14/2001, §10*)

**§20-111. Method of Collection.**

Municipal waste containers shall be picked up at the designated collection points and deposited into the collection vehicles. No municipal waste may be spilled on the roads and streets of the Township and the contractor must make every effort to prevent

scattering of municipal waste particularly paper and other light materials by the wind. Contractor must take care not to damage containers belonging to residents or Dover Township, and in the event of willful or unnecessary damage to such containers, contractor shall be liable for the same. Contractor shall promptly notify the Township if any residents or property owner claim damage (to containers) other than reasonable wear and tear.

(*Ord. 2001-2, 5/14/2001, §11*)

#### **§20-112. Recyclable Materials.**

Contractor shall collect and dispose of recyclable materials in accordance with *Ord. 96-10, 8/12/1996 [Part 2]*.

(*Ord. 2001-2, 5/14/2001, §12*)

#### **§20-113. Billing and Payment Procedures.**

Every owner of a dwelling unit shall pay a quarterly, or such other time period as may be authorized by the Township, fee to the contractor for the municipal service of providing for the collection, transportation and disposal of municipal waste and recyclables unless exempted under §20-105. The Township hereby authorizes the contractor to act as agent for the Township and to bill for and collect the quarterly fee from the owner or occupant of the dwelling unit. The quarterly fee charged shall be established by resolution of the Board of Supervisors of Dover Township. Any quarterly fee remaining unpaid 30 days after the due date shall be at the option of the Township or the contractor be filed as a municipal lien in accordance the provisions of the Municipal Claims and Tax Lien Act, 53 P.S. §7501 *et seq.*, as amended [the "Act"], or collected under usual means of civil action or as otherwise provided by law, including the collection of costs and reasonable attorney's fees as authorized by the Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended. Any bill which remains unpaid after which notice has been given pursuant to the Act, and which shall be entered as a lien pursuant to the Act, shall include all penalties, simple interest at the rate of 10 percent per annum, costs of filing, and attorney's fees for legal services rendered in connection with the filing, enforcement and removal of the lien in accordance with an hourly rate equal to the Township Solicitor's regular rate for litigation charges to the Township.

(*Ord. 2001-2, 5/14/2001, §13; as amended by Ord. 2005-08, 10/24/2005; by Ord. 2007-07, 9/24/2007, §1; and by Ord. 2010-02, 7/26/2010, §2*)

#### **§20-114. Ownership of Municipal Waste.**

The contractor shall become the owner of the municipal waste at such time as it is collected from each collection point.

(*Ord. 2001-2, 5/14/2001, §14*)

#### **§20-115. Disposal of Municipal Waste.**

Contractor shall dispose of municipal waste only at a disposal facility approved or operated by the York County Solid Waste Authority for the type of waste to be disposed.

(*Ord. 2001-2, 5/14/2001, §15*)

**§20-116. Other Municipal Waste.**

The owners or occupants of premises that do not constitute a dwelling or dwelling unit as defined in this Part shall enter into a contract with a person authorized or licensed by the Commonwealth of Pennsylvania to collect, transport and dispose of municipal waste and recyclables, which contract shall provide for the collection and transportation of municipal waste from the premises and which contract shall provide for the disposal of the municipal waste at a disposal facility approved by the York County Solid Waste Authority. A copy of the contract referred to in this Section shall be filed with the Township by the owner or occupant of the premises.

(*Ord. 2001-2, 5/14/2001, §16*)

**§20-117. Licensing of Collectors.**

The licensing of any contractor collecting, transporting or disposing of municipal waste within the Township shall comply with the licensing provisions as set forth in §20-214, "Regulation of Recyclable Materials," or any successor ordinance provision. The license of any collector violating the provisions of this Part may be suspended or revoked by the Township Manager. In such event, the Township Manager shall give the collector 5 days written notice of his intent to suspend or revoke the license. Within such 5 day period, the collector may request a hearing before the Board of Supervisors. The Board of Supervisors shall schedule a hearing within 10 days of the request, hear and consider the merits of the matter, and enter a decision within 5 days of the date of the hearing.

(*Ord. 2001-2, 5/14/2001, §17*)

**§20-118. Observance of Laws and Ordinances.**

Contractor shall comply with all statutes and laws of the Commonwealth of Pennsylvania and all ordinances of Dover Township in any manner relating to the collection, transportation, disposal, billing and collection of municipal waste.

(*Ord. 2001-2, 5/14/2001, §18*)

**§20-119. Penalties.**

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

(*Ord. 2001-2, 5/14/2001, §19; as amended by Ord. 2005-08, 10/24/2005*)

**§20-120. Conflict of Ordinances, Effect on Partial Invalidity.**

1. In any case where a provision of this Part is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, the provision which

establishes the higher standard for the promotion and protection of the health and safety of the residents of Dover Township shall prevail. In any case where a provision of this Part is found to be in conflict with the provisions of any ordinance or code in Dover Township existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health and safety of the residents of Dover Township, the provisions of this Part shall be deemed to prevail, and such other ordinances and codes are hereby declared to be repealed to the extent that they may be found in conflict with this Part.

2. If any section, subsection, paragraph, sentence, clause or phrase of this Part shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part which shall remain in full force and effect and, to this end, the provisions of this Part are hereby declared to be severable.

*(Ord. 2001-2, 5/14/2001, §20)*

**Part 2****Recyclable Materials****§20-201. Purpose of This Part.**

The Board of Supervisors finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of Pennsylvania and the County plan. It shall be mandatory to recycle designated recyclable materials in the Township of Dover, York County. This shall include any person owning, occupying or using any property within this Municipality. The separation and collection of used newspaper, paper, cardboard, glass, cans, plastic bottles and vegetative yard waste for recycling from the residential, commercial and institutional establishments in this Township will minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called for by the County plan, conserve natural resources and reduce the cost of solid waste disposal generally. The promotion and use of recyclable materials, goods produced from recycled materials, and goods which facilitate recycling, including without limitation, kraft paper grocery bags, will further serve the same purposes by encouraging and facilitating recycling.

(Ord. 96-10, 8/12/1996, §16.71)

**§20-202. Definitions.**

As used in this Part, the following definitions shall apply:

*Aluminum can* - containers which are comprised entirely of aluminum and which contain and formerly contained only non-aerosol edible substances.

*Apartment complex* - three or more dwelling units located on a single property or contiguous properties under common ownership or management. For this purpose, "apartment" shall mean an enclosed space that consists of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories but not the entire building, and that is designed for use as a residence.

*Cans* - containers comprised of aluminum, tin, steel or a combination thereof, which contain or formerly contained only non-aerosol edible substances or such other substances as have been approved for recycling by this Township.

*Cardboard* - all corrugated or other cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other materials, but excluding plastic, foam or coated or soiled cardboard.

*Collector* - an individual partnership, firm or corporation which has been licensed by the Township for collection, transportation and disposal of recyclables and municipal waste in accordance with Dover Township regulations and this Part.

*Commingled* - source separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., place in the same container).

*Community events* - events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, socials, picnics, and

organized sporting events attended by 200 or more individuals per day. [Ord. 2008-08]

*Condominium complex* - three condominium units or more located on a single property or contiguous properties under common ownership or management. For this purpose, "condominium" shall mean the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

*Container* - the receptacle furnished by the Township in which designated recyclables are placed in for curbside collection. The container is the property of the Township.

*County* - the County of York, Commonwealth of Pennsylvania.

*County plan* - the County Solid Waste Management Plan for York County as approved by the Pennsylvania Department of Environmental Protection.

*Designated recyclable materials* - those recyclable materials, designated by the Municipal Recycling Plan adopted pursuant to the County Plan to be source separated in this Township. The term includes, but is not limited to, glass, paper, plastic containers, cans, food waste, corrugated and other cardboard, newspaper, magazines, or high grade office paper.

*Disposition or disposition of designated recyclable materials* - the transportation, placement, or arrangement of designated recyclable materials for all possible end uses except disposal as solid waste.

*Glass* - all clear (flint) green and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, and plate, window, laminated, wired or mirrored glass.

*Leaf waste* - leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings. [Ord. 2008-08]

*Mobile home park* - more than two mobile homes located on a single property or contiguous properties under common ownership or management. For this purpose, "mobile home" shall mean a home, excluding travel trailer, which is a movable or portable unit, designed and constructed to be towed on its own chassis, and designed to be connected to utilities for year round occupancy.

*Municipal recycling plan* - the recycling plan developed by and for this Township. The Municipal Recycling Plan sets forth 1) the materials to be recycled within the Township, 2) the method for collection and disposition of said recyclables, 3) the recovery rate goals, 4) the publicity and education measures to be used to promote recycling, and 5) the budget line item allocations for implementation of the mandatory recycling pursuant to this Part and the County Plan.

*Township* - the Township of Dover located within the County of York, Commonwealth of Pennsylvania.

*Paper* - all newspaper, high grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books, and similar cellulosic materials, but excluding waxed paper, plastic or foil coated paper,

envelopes with glassine windows, carbon paper, blueprint paper, food contaminated paper, soiled paper, and cardboard.

*Plastic* - organic, synthetic or processed materials that are thermoplastic or thermosetting polymers of high molecular weight that can be molded, cast, extruded, drawn or laminated into objects, films or filaments.

*Person* - any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty, or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

*Recyclable material* - a material which would otherwise become solid waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

*Recycling* - any process by which materials, which would otherwise become solid waste, are collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

*Recycling drop-off* - any facility designed and operated solely for the receiving and storing of source separated cans, glass, paper, newsprint, plastic containers, and cardboard.

*Resident* - any human being residing within the Township on a temporary or permanent basis, but excluding persons residing in hotels or motels.

*Solid waste* - garbage, refuse and other discarded materials resulting from industrial, commercial, and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

*Source separate* - to separate recyclable materials from the solid waste stream at the point of waste generation.

*Township* - the Township of Dover, York County, Pennsylvania.

*Act* - the Commonwealth of Pennsylvania Act 101, of 1988, 53 P.S. §4000.101 *et seq.*, as amended.

All other terms and phrases shall be as defined in Act 101 regulations promulgated thereunder and the Plan, unless content clearly requires a different meaning.

(*Ord. 96-10*, 8/12/1996, §16.72; as amended by *Ord. 2008-08*, 9/22/2008, §1)

### **§20-203. Establishment of Curbside Program.**

1. There is hereby established, within the area of the County comprising Dover Township, a program ("curbside program") for separate collection of designated recyclable materials from all residents of the Township located within said area and from all other persons, including community events, commercial or institutional establishments, within said area whose solid waste is collected by or on behalf of this

Township. Said curbside program shall not apply to any apartment complex, condominium complex or mobile home park. [*Ord. 2008-08*]

2. Collections of recyclable materials pursuant to this Section shall be made by the contractor in accordance with the terms of the contract between contractor and Township, but in no event less than one time per week from each collection point. The contractor shall commence the collection of recyclables between the hours of 7 a.m., prevailing time, and shall complete collection no later than 6 p.m., prevailing time, unless modified by the Board of Supervisors. No collections shall be scheduled for any Sunday. If the regular collection day shall fall on any of the following holidays; the contractor shall make the collection on the next regular working day after the holiday. The holidays are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Contractor shall provide to the Township a local number that residents may use to contact contractor until 6 p.m. prevailing time. [*Ord. 2005-08*]

3. All residents of the Township within the area served by the curbside program established pursuant to this Section shall source separate all designated recyclables and place them at the side of the road fronting their residence in the manner designated by this Part and on the date specified for collection by the schedule published by the Township and the County.

4. All persons other than residents served by the curbside collection program established pursuant to this Section shall source separate all designated recyclables upon receiving notice from the Township and shall place said recyclables for collection at a place, in a manner and at such times as designated by the Township in said notice.

5. Designated recyclables for this curbside program established pursuant to this Section shall consist of the following materials:

A. Designated by resolution.

B. Other recyclable materials as designated 30 days after said designation and publication of notice in a newspaper of general circulation within the Township.

(*Ord. 96-10, 8/12/1996, §16.73; as amended by Ord. 2005-08, 10/24/2005; and by Ord. 2008-08, 9/22/2008, §2*)

#### **§20-204. Requirements Applicable to Source Separation and Collection of Designated Recyclables Curbside Program.**

All recyclables placed at the roadside by residents for collection pursuant to the curbside program established pursuant to this Part shall be prepared for collection in accordance with the following:

A. All newsprint shall be placed in paper bags or tied in bundles not exceeding 35 pounds.

B. Cardboard shall be flattened and tied in bundles with dimensions not exceeding 3 feet by 1 foot by 3 feet

C. Glass and plastic containers shall have caps and lids removed.

D. Glass, cans and plastic containers shall be rinsed free of contaminants.

E. All recyclables shall be placed in the container provided by the Township.

F. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by 7:00 a.m. on the scheduled collection day. The bundled paper, bundled cardboard and the container of glass, cans and plastic shall be placed at the roadside for collection and clearly separated from containers of solid waste.

(Ord. 96-10, 8/12/1996, §16.74)

**§20-205. Establishment of Public Drop-Off Program.**

1. There is hereby established a program ("public drop-off program") for the source separation and delivery to a recycling drop-off for newsprint, cardboard, glass, and cans, plastic from all residents located in areas of this Township where curbside collection does not occur, with the exception of apartment complexes, condominium complexes, and mobile home parks.

2. (Within 30 days of the availability of a public recycling drop-off within this Township.) All residents of the Township served by the public drop-off program established pursuant to this Section shall source separate all designated recyclables and shall deposit all such designated recyclables at a recycling drop-off maintained by the Township.

3. Designated recyclables for the public drop-off program established pursuant to this Section shall consist of the following material:

A. Designated by resolution.

B. Other recyclable materials as designated 30 days after said designation and publication of notice in a newspaper of general circulation within the Township.

(Ord. 96-10, 8/12/1996, §16.75)

**§20-206. Establishment of Drop-Off Program for Apartment Complexes, Condominium Complexes and Mobile Home Parks.**

1. There is hereby established a program ("private drop-off program") for the source separation and delivery to a recycling drop-off for paper and newsprint, cardboard, glass, plastic, and cans from all residents of apartment complexes, condominium complexes and mobile home parks within the Township.

2. The owner or the manager of every apartment complex, condominium complex and mobile home park within this Township shall provide and maintain in a neat and sanitary condition a recycling drop-off to receive all designated recyclables generated by residents of the complex or mobile home park. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop-off. Said recycling drop-offs shall be constructed and capable of receiving designated recyclables within 6 months of the effective date of this Part.

3. The number and design of the recycling drop-offs required by this Section for each apartment complex, condominium complex, and mobile home park shall be consistent with guidelines provided by this Township and with guidelines developed by the County Plan.

4. Designated recyclables for the private drop-off program required by this

Section shall consist of the following materials:

A. Designated by resolution.

B. Other recyclable materials as designated 30 days after said designation and publication of notice in a newspaper of general circulation within the Township.

(*Ord. 96-10, 8/12/1996, §16.76*)

**§20-207. Requirements Applicable to Source Separation and Placement of Designated Recyclables in Recycling Drop-Off.**

Designated recyclables required to be placed in recycling drop-offs pursuant to this Part shall be consistent with the following:

A. All newsprint shall be placed in paper bags or tied in bundles not exceeding 35 pounds in weight nor exceeding 1 foot in thickness.

B. Cardboard shall be flattened and placed in bundles not exceeding 1 foot by 3 feet by 3 feet.

C. Glass and plastic containers shall have caps and lids removed.

D. Glass, cans and plastic containers shall be rinsed free of contaminants.

E. Glass shall be placed in a receptacle designated for that purpose at the recycling drop-off.

F. Cans shall be placed in the receptacle designated for cans at the recycling drop-off.

G. Plastic shall be rinsed free of contaminants and shall be placed in the receptacle designated for plastic at the recycling drop-off.

H. Newsprint and cardboard shall be neatly stacked in the area or areas designated at the recycling drop-off for such materials.

(*Ord. 96-10, 8/12/1996, §16.77*)

**§20-208. Mandatory Commercial and Institutional Source Separation Program.**

1. All persons within this Township who are not residents and who are not served by the curbside program established pursuant to this Part shall source separate and arrange for the collection for recycling of all designated recyclables within 60 days of the date upon which the Township publishes notice in a newspaper of general circulation within the Township.

2. Designated recyclables for the mandatory commercial and institutional source separation program shall consist of the following materials:

A. High-grade paper, including but not limited to white letterhead paper, white bond paper, white typing paper, white copier paper, white notepad paper, white writing paper, white envelopes without glassine windows, other non-gloss white office paper without plastic, computer printout paper, manila folders, computer tab cards, and white onion-skin paper.

B. Corrugated cardboard.

C. Bottles, plastic, and cans generated by food and beverage service

establishments.

D. Other recyclable materials as designated by this Township 30 days after said designation and publication of notice in a newspaper of general circulation within the Township.

3. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who generated the recyclables ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangements may include, without limitation, delivery to a drop-off, contract with solid waste collector/haulers for separate collection for any or all designated recyclables, contracts with other persons for separate collection of any or all designated recyclables, or direct delivery to the County intermediate processing facility.

(*Ord. 96-10, 8/12/1996, §16.78*)

**§20-209. Mandatory Source Separation of Leaf Waste.**

No person shall accumulate or store leaf waste upon any private or public property within the Township except in accordance with the following:

A. No person shall dispose of leaf waste, arrange for the disposal of leaf waste, or cause leaf waste to be disposed of at any solid waste facility other than a composting facility. [*Ord. 2008-08*]

B. All persons who gather leaves and who are served by a municipal program for separate collection of leaves shall place them uncontained in the street for collection during the fall leaf collection program. All persons who gather tree trimmings and who are served by a municipal program for brush collection shall place the tree trimmings uncontained along the street for collection during the spring and fall brush collection program. [*Ord. 2008-08*]

C. Leaf waste for collection shall not be permitted to accumulate at curbside for a period of time in excess of 30 days.

D. Leaf waste may be accumulated and stored on any property by the owner thereof or the occupant of any property with the consent of the owner, for the purpose of composting the material for use on the property. Such composting shall take place within an enclosure adequate to contain the leaf waste and prevent its intrusion onto any other property.

E. All persons who gather leaves and who are not served by a municipal program for separate collection of leaves shall arrange for the separate disposal or processing of leaves at a composting facility or an agricultural, horticultural, silviculture or other commercial operations which processes or utilizes leaves for compost, mulch, or other beneficial uses.

F. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch, or other agricultural, horticultural, silviculture, gardening or landscaping purposes.

G. No burning of leaves shall be permitted. [*Ord. 2005-08*]

(*Ord. 96-10, 8/12/1996, §16.79; as amended by Ord. 2005-08, 10/24/2005; and by Ord. 2008-08, 9/22/2008, §3*)

**§20-210. Mandatory Source Separation of Brush.**

No person shall dispose of brush upon any public or private property within the Township, except in accordance with the following:

A. The term “brush” shall mean shrubbery and tree trimmings, exclusive of grass clippings and leaf waste.

B. Compliance with this Section may be obtained by transporting such brush to a collection center designated by the Township or by placing brush at curbside as part of the Township’s curbside recycling program.

C. Brush shall be placed at the curb untied or unbundled at a length not to exceed 6 feet and a diameter not to exceed 3 inches.

(*Ord. 96-10, 8/12/1996; as added by Ord. 2005-08, 10/24/2005*)

**§20-211. Implementation and Administration.**

The Board of Supervisors of the Township shall by resolution appoint a Township employee to implement and administer the provisions of this Part. Such person shall have the power and duty to:

A. Prepare for approval and publication by the Board of Supervisors of the Township policies and procedures not inconsistent with the provisions of Act 97, Act 101 and this Part for the proper implementation and administration of this Part.

B. Prepare, keep and maintain such books and records as shall be necessary to document compliance by the Township with the requirements of Act 97, Act 101 and this Part.

C. Investigate complaints of generators and collectors and assist in the resolution of such complaints.

D. Issue warnings of violation, initiate proceedings against violators, and otherwise enforce the provisions of this Part and the policies and procedures adopted hereunder.

(*Ord. 96-10, 8/12/1996, §16.80*)

**§20-212. Unlawful Activities; Nuisance.**

1. It shall be unlawful for:

A. Any person not authorized by this Township or the County to collect any designated recyclable which has been placed at the roadside for collection or within a recycling drop-off pursuant to this Part.

B. Any person to violate or to cause or to assist in the violation of any provision of this Part or any provision of the County Plan concerning recycling.

C. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling drop-off.

D. Any person to hinder, to obstruct, to prevent or to interfere with this Township, the County or their personnel in the performance of any duty under this Part or in the enforcement of this Part.

E. Designated recyclable material to be permitted to accumulate for a period

of time in excess of 30 days.

2. All unlawful conduct set forth in this Section shall be considered a public nuisance.

(*Ord. 96-10, 8/12/1996, §16.81*)

**§20-213. No Collection of Solid Waste Contaminated by Designated Recyclable.**

This Township or any other person collecting solid waste generated within the Township may refuse to collect solid waste from any person who has clearly failed to source separate recyclables designated under an applicable Section of this Part.

(*Ord. 96-10, 8/12/1996, §16.82*)

**§20-214. Other Means of Disposal.**

Notwithstanding anything herein to the contrary, any resident of the Township may donate or sell any recyclable to any other person, whether operating for a profit or not for profit; provided, however, that the person receiving the recyclable shall not under any circumstances collect the donated or sold material from the roadside or from a recycling drop-off without prior written permission from this Township for such collection. Permission for such collection shall not be given for any day other than a Saturday or Sunday and, in no case, shall such permission be given to collect recyclables from a recycling drop-off. All recyclables generated within this Township not picked up at curbside must be totaled in pounds by those parties generating the recyclables and a report must be submitted to Dover Township before January 15 of each year ending December 31 of the previous year. Forms are available at the Township Office.

(*Ord. 96-10, 8/12/1996, §16.83*)

**§20-215. Licensing of Collectors.**

1. No person shall engage in the business of collection of designated recyclables or municipal waste within the territorial limits of the Township unless such person shall have applied for and received a license from the Township.

2. The application for a collector's license shall be in such form as the Township shall, from time to time, prescribe. Included in the information required to be disclosed in the application shall be:

- A. The name and address of the collector.
- B. The area, including street names, within which collections will be made.
- C. The day or days of the week upon which collections will be made.
- D. A description of each vehicle to be used for the collections, including current registration number.
- E. References or other evidence of the collector's ability to perform collections within the requirements of this Part.

3. All collectors shall pay an annual license fee to the Township in such amount as shall be established from time to time by duly adopted resolution of the Board of Supervisors.

4. The license of any collector violating the provisions of this Part may be suspended or revoked by the Township Manager. In such event, the Township Manager shall give the collector 5 days written notice of his intent to suspend or revoke the license. Within such 5 day period, the collector may request a hearing before the Board of Supervisors. The Board of Supervisors shall schedule a hearing within 10 days of the request, hear and consider the merits of the matter, and enter a decision within 5 days of the date of the hearing.

(Ord. 96-10, 8/12/1996, §16.84)

#### **§20-216. Duties of Collectors.**

1 The vehicle and equipment of each collector used in the Township shall be adequate for the purpose to which such vehicles or equipment are being put to use. Any vehicle used for the collection of regulated municipal waste shall have a watertight enclosed metal body equipped with a compaction device. Any vehicle used for the collection of designated recyclable materials, leaf waste or other municipal waste shall be designed or equipped to prevent materials from blowing or otherwise escaping the vehicle. All vehicles and equipment shall at all times be kept in good repair and operating condition and be reasonably clean and odor free. All vehicles shall have the collector's company name, address and phone number displayed legibly.

2. Collectors shall not cause or allow any municipal waste or designated recyclables to be spilled and remain on any private or public property, street or alley during the course of collection, or during the course of transporting municipal waste or designated recyclables within the Township to the place of disposal.

3. Collectors shall file with the Township on or before the 15th of the month succeeding each calendar month a report covering the preceding calendar month which shall set forth such reasonable information as the Township shall request including, but not limited to:

A. The volume of each regulated municipal waste, designated recyclable materials, and other municipal waste collected. The volume of designated recyclable materials shall be broken down into the volume of each designated materia. Certain designated materials may be commingled with reports stated as such.

B. The name and address of any person the collector shall observe who consistently fails to comply with any provision of this Part.

4. All regulated municipal waste collected within the territorial limits of the township shall be transported to and disposed of only at the resource recovery facility owned by the York County Solid Waste and Refuse Authority on Black Bridge Road in Manchester Township, or in the event that such facility shall not be operating at a facility designated by the said Authority, if any, or otherwise to a resource of the Commonwealth of Pennsylvania.

5. All designated recyclable materials collected within the territorial limits of the Township shall be transported to and disposed of at a recycling facility.

6. All other municipal waste collected within the territorial limits of the Township shall be transported to and disposed of at a facility permitted for the disposal of such waste by the Department of Environmental Protection of the Commonwealth of

Pennsylvania.

(*Ord. 96-10, 8/12/1996, §16.85*)

**§20-217. Non-Interference with Existing Contracts.**

1. Nothing contained in this Part shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the County Plan and in force in the Township on the effective date of this Part.

2. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Part, unless such renewal or such contract shall conform to the requirements of this Part.

(*Ord. 96-10, 8/12/1996, §16.86*)

**§20-218. Penalties.**

1. For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. [*Ord. 2005-08*]

2. Each continuing day of violation of this Part shall constitute a separate offense. (*Ord. 96-10, 8/12/1996, §16.87; as amended by Ord. 2005-08, 10/24/2005*)

**§20-219. Injunctions; Concurrent Remedies.**

1. In addition to any other remedy provided in this Part, this Township may institute a suit equity where unlawful conduct or public nuisance exists as defined in this Part for an injunction to restrain a violation of this Part or the County Plan. In addition to an injunction, the court may impose penalties as authorized by §20-215 hereof.

2. The penalties and remedies prescribed by this Part shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this Township or the County from exercising any other remedy provided by this Part or otherwise provided by law or equity.

(*Ord. 96-10, 8/12/1996, §16.88*)

**§20-220. Construction.**

The terms and provision of this Part are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Part shall be construed in *pari materia* with the Act and the County Plan.

(*Ord. 96-10, 8/12/1996, §16.89*)

