

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION OF THE COLLECTION, STORAGE, TRANSPORTATION, REMOVAL, RECYCLING, DUMPING, DEPOSIT AND DISPOSAL OF SOLID WASTE MATERIALS, AND PROVIDING FOR THE AUTHORIZATION AND LICENSING OF SOLID WASTE MATERIAL COLLECTORS, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

Section 1. Short Title. This Ordinance shall be known as the "Middlesex Township Solid Waste and Recycling Ordinance".

Section 2. Purpose. The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the Township of Middlesex by regulating the collection, storage, transportation, removal, recycling, dumping, depositing and disposal of solid waste materials generated within the Township by:

- a. Instituting a comprehensive residential solid waste management program.
- b. Establishing a solid waste recycling program in accordance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act 101 of 1988.

Section 3. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meaning as set forth in this Section, unless the context in which such word, term or phrase is used clearly indicates otherwise:

ALUMINUM - the lightweight ductile and malleable metallic substance or element commonly known as aluminum and shall include all aluminum food and beverage cans. This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

APARTMENT BUILDING - a building used for residential purposes with more than four (4) dwelling units, and any and all other multi-residential units including condominium units, hotels, motels, tourist cabins and dormitories.

ASHES - the residue from burning of wood, coal, coke, or other combustible material.

COMMERCIAL ESTABLISHMENTS - establishments engaged in non-manufacturing or non-processing business; including but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CORRUGATED CARDBOARD - layered paper or cardboard in which one or more layers is pressed into parallel grooves or ridges and which is normally used for wrapping, packing, shipping and/or storage of dry materials. Specifically excluded from this definition are pressboard and cardboard commonly known as asian board or asian cardboard, as well as any corrugated cardboard containing a shiny finished side or sides or which is contaminated with food or other material

COMMINGLED - the placement of recyclable materials as defined herein, except newspapers, in a special recycling container for the purpose of collection without having been segregated by color or type.

CONTRACTOR - the individual, partnership, firm, corporation or business entity designated by the Township Supervisors by means of an independent contract, as the person having the exclusive right and privilege to collect, haul, carry, remove or dispose of all garbage, trash, ashes, rubbish, refuse, and recyclable materials from Dwelling Units within the Township.

DWELLING - a structure used for residential purposes, except hotels, family rental housing properties with more than four (4) dwelling units, tourist cabins, motels, trailers in trailer parks and occupiers of farm land containing ten (10) or more acres.

DWELLING UNIT - one or more rooms in a Dwelling which room or rooms has fixed cooking facilities arranged for occupancy by one person, or two or more persons living together, or one family.

GARBAGE - putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods.

GARDEN WASTE - waste or clippings of plant material from vegetable or flower gardens.

GLASS - the hard, brittle, transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually or conveniently included in

the manufacture of glass; and shall for the purpose of this contract include all materials commonly known as glass bottles or containers. This definition includes all food and beverage containers made of glass having a capacity of one gallon or less. Excluded from this definition are blue glass, ceramics, pottery, and flat glass commonly known as "window" or "plate" glass.

GRASS - any ground covering plant material used for lawn.

HDPE - High Density Polyethylene, commonly known as #2 plastic.

HAZARDOUS WASTE - any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or any appropriate agency of the Commonwealth of Pennsylvania to be "hazardous" as that term is defined by or pursuant to federal or state law.

HIGH GRADE OFFICE PAPER - printed or unprinted sheets, shavings or cuttings of sulphite or sulphate ledger, bond, writing, or other paper having similar fiber or filler content, including, but not limited to, stationary, copy paper and computer paper, and excluding treated, coated, and padded stock.

INSTITUTIONAL ESTABLISHMENTS - those facilities that house or serve groups of people for a common purpose, such as hospitals, schools and nursing homes.

LAWN WASTE - waste or clippings of plant material customarily associated with maintenance of lawn or yard areas including, but not limited to, grass, weeds, flowers, flowering ground plants and shrubbery.

LEAF WASTE - leaves from deciduous trees.

MATERIAL - includes garbage, trash, ashes, refuse and rubbish.

MOBILE HOME PARKS - parcel(s) of contiguous land designed and improved for use by 2 or more mobile homes.

MUNICIPALITY - the Township of Middlesex, Cumberland County, Pennsylvania.

NEWSPAPER - paper made from wood pulp and/or other fibrous materials mixed together, either with or without chemicals, to produce thin sheets of the products customarily and primarily used for the production of newsprint; "newspaper" shall include magazines and glossy paper inserts commonly used in advertisements.

OWNER - the actual owner of a dwelling as indicated in the real estate records of the County of Cumberland at the Cumberland County Court House.

PERSON - any natural person, partnership, firm, association, company, organization, corporation or any other entity.

PET - Polyethylene terephthalate used to make plastic containers, commonly known as #1 plastic.

PLASTIC - a class of synthetic organic compounds capable of being molded, extruded, cast or otherwise fabricated into various shapes. It shall include high density polyethylene (HDPE) and polyethylene terephthalate (PET), commonly known as #2 and #1 plastic, respectively. It shall exclude low density polyethylene (LDPE), polypropylene (PP) and polyvinylchloride (PVC).

PROCESSING CENTER or MATERIAL RECOVERY FACILITY - any facility maintained for the purpose of storing, preparing and/or consolidating recyclable materials.

RECYCLABLE MATERIALS - includes, but is not limited to, colored and clear glass, aluminum/tin cans, #1 plastic PET containers, #2 plastic HDPE containers, newspaper, and such other materials as the Township Supervisors may designate from time to time by Resolution. With respect to Commercial and Institutional Establishments, "recyclables" or "recyclable materials" shall refer to corrugated cardboard, high grade office paper and aluminum.

RECYCLING COLLECTION SERVICES - the following services to be performed by Contractor: (1) collection and conveyance of recyclable materials to a Processing Center or Material Recovery Facility; (2) processing of recyclable materials as applicable; and (3) marketing of the recyclable materials.

REFUSE - all putrescible and non-putrescible solid wastes (excluding body wastes), but including garbage, rubbish, ashes and street cleanings.

RESIDENTIAL SOLID WASTE - garbage, ashes, refuse, rubbish, trash and other non-sewage or non-wastewater waste materials normally generated in domestic family living, but shall exclude "Hazardous Waste", garden waste, lawn waste and leaf waste.

SOLID WASTE - garbage, ashes, refuse, rubbish, trash and other non-sewage or non-wastewater waste materials normally generated by Apartment Buildings, Commercial and Institutional Establishments, whether or not such waste materials may include Residential Solid Waste, but shall

exclude "Hazardous Waste", garden waste, lawn waste and leaf waste.

TIN - the ferrous metal used in food or beverage containers commonly known as "tin cans".

TOWNSHIP - the Township of Middlesex.

TOWNSHIP LICENSEE - a person licensed by the Township to collect, haul and/or dispose of residential solid waste, solid waste, bulky waste and/or recyclables.

TOWNSHIP SUPERVISORS - the duly elected or appointed Township Supervisors acting on behalf of the Township as the Board of Township Supervisors.

Section 4. License Required, Requirements of Applicant.

- a. No person shall for hire, compensation or as a business collect, haul, transport, remove, convey or dispose of any Township-generated Solid Waste, Residential Solid Waste, garbage, trash, ashes, rubbish, refuse, recyclables or other waste materials through or upon any highways, streets, roads or alleys within the Township or dispose of the same in any manner or place without first obtaining annually a license from the Township.
- b. There shall be an annual charge or fee in the amount of Twenty-five Dollars (\$25.00) for the issuance of such license. Such license shall be in such form as prescribed from time to time by resolution of the Township Supervisors. Each person who shall apply shall state the type or types of waste material to be collected, provide evidence of insurance coverage as required by this Ordinance, the place and method of disposal, and such other information as the Township may determine to be necessary to assure compliance with this Ordinance.
- c. No license shall be granted if the place and method of disposal, types of collection equipment or manner of collection, removal or disposal shall not conform strictly to the requirements of this Ordinance, or to the ordinance of any other municipality or quasi-municipal corporation having jurisdiction, or to the laws of the Commonwealth of Pennsylvania, or of the United States. The location of the plant or disposal area shall comply with the Cumberland County Waste Management Plan of 1997 or any subsequently adopted plans, any associated County Ordinance and regulations and must be licensed by Cumberland County. Any

violation of this Section shall be cause to have the license to collect or haul Residential Solid Waste, Solid Waste and recyclables in the Township revoked.

d. Each applicant and licensee shall have to maintain insurance coverage as follows:

1. Workers' Compensation including Occupational Disease and Employer's Liability Insurance.
 - a. Statutory - Amounts and coverage as required by Workers' Compensation Laws of the Commonwealth of Pennsylvania.
 - b. Employer's Liability - At least \$100,000 each accident; \$500,000 aggregate.
2. Public Liability including coverage for direct operations, sublet work, elevators, contractual liability and completed operations coverage with limits not less than those stated below:
 - a. Bodily Injury Liability - Including Personal Injuries:
\$1,000,000 each person.
\$5,000,000 each occurrence.
 - b. Property Damage Liability:
\$1,000,000 each occurrence.
\$5,000,000 each aggregate.
 - c. Township shall be named as additional insured.

Regarding Personal Injury - Written on a non-participating basis (with no participation by insured).

Regarding Property Damage - Including Broad Form Property Damage - Remove "XCU" Exclusions (explosion, collapse, underground property damage).

Regarding Completed Operations Liability - Continue coverage in force for two years after completion of work.

3. Comprehensive Automobile Liability Insurance including coverage for owned, non-owned, and hired vehicles with limits not less than those stated below:

- a. Bodily Injury Liability:
\$1,000,000 each person.
\$5,000,000 each occurrence.
 - b. Property Damage Liability:
\$1,000,000 each occurrence.
 - c. Township shall be named as additional insured.
- 4. Owner's Contingent Liability (Owner's Protective):
 - a. Personal Injury:
\$1,000,000 each person.
\$2,000,000 each occurrence.
 - b. Property Damage:
\$1,000,000 each occurrence.
\$2,000,000 each aggregate.
- 5. Excess or Umbrella Policy in the amount of at least \$1,000,000.
- 6. Environmental Protection Insurance - \$5,000,000.
- 7. Policies and insurers shall be subject to approval of the Board of Supervisors.
- e. Any license may be canceled by the Township Supervisors at any time, if, in their opinion, there shall be a failure to perform any of its terms or conditions, or in case of a willful attempt to impose upon the Township or its inhabitants services inferior to those required herein.
- f. The Contractor shall be required to obtain a license and will have rights of exclusive collection from Township Dwellings specified by this ordinance.

Section 5. Required Use of Collector Services.

- a. All Residential Solid Waste generated in or at a Dwelling Unit shall be collected, hauled, transported, removed and disposed of by the Township through the Contractor.
- b. All Solid Waste generated in or at a Commercial or Institutional Establishment and all Residential Solid Waste generated at Apartment Buildings, Mobile Home Parks and other structures used for residential purposes other than dwellings shall be collected,

hauled, transported, removed and disposed of only by a Township Licensee.

- c. It shall be unlawful for any Owner or occupant of a Dwelling Unit of a Dwelling to dispose of Residential Solid Waste except by the methods prescribed by this Ordinance.

Section 6. Fees.

- a. Dwellings. The fee for collection and disposal of refuse from Dwellings, whether the fee shall be by flat rate or a per bag or per tag fee or charge, shall be fixed by contract between the Township and Contractor. The Contractor will be solely responsible for collection of fees for service directly from the responsible person.
- b. Non-dwellings. Fees for collection from other than Dwellings and Dwelling Units shall be fixed by mutual agreement of the parties and shall be paid directly to the person making such collection.

Section 7. Recyclable Material.

- a. Commercial and Institutional Establishments. All persons who are owners, lessees and occupants of Commercial or Institutional Establishments shall separate and store recyclable material and solid waste and provide for the proper disposal and recycling of such material through a Township Licensee on a weekly basis. The items to be recycled by Commercial and Institutional Establishments shall be high-grade office paper, corrugated cardboard and aluminum and other items or material that the Township Supervisors may designate from time to time by Resolution.
- b. Dwellings. All persons who are owners, lessees and occupants of Dwelling Units shall separate and store recyclable materials and residential solid waste for pick up and disposal by the Contractor on a weekly basis. The items to be recycled by Dwelling Units shall be clear and colored glass, aluminum/tin cans, #1 plastic PET containers, #2 plastic HDPE containers, newspaper and such other materials as the Township Supervisors may designate.
- c. Apartment Buildings, Mobile Home Parks and Residential Structures not Dwellings. All persons who are owners, lessees and occupants of Apartment Buildings, Mobile Home Parks and residential structures that are not

dwelling shall separate and store Recyclable Material and Residential Solid Waste for pick up and disposal by a Township Licensee on a weekly basis. The items to be recycled shall be the same as those recycled by Dwellings.

- d. Interference with Collection of Recyclables Prohibited. Once recyclables are placed for collection, no person or persons, other than the Contractor in the case of dwellings or a Township Licensee in the case of non-dwellings, shall remove or collect the recyclables.

Section 8. Preparation of Residential Solid Waste for Collection.

a. Preparation Requirements.

- (1) All Recyclable Materials shall be separated from all other Residential Solid Waste or Solid Waste.
- (2) All garbage shall be thoroughly drained of all liquid and placed in a plastic bag before being placed in any container.
- (3) Tree trimmings, hedge clippings and similar rubbish shall be cut in lengths not exceeding five (5) feet and shall be securely tied in bundles before being deposited for collection. Tree trimmings shall not exceed three inches in diameter.
- (4) Newspaper shall be securely tied in bundles not exceeding forty (40) pounds in weight with twine or string or bagged in paper bags. Corrugated Cardboard shall be bundled. Newspapers shall be separated from all other paper and shall be placed with the container containing recyclables.

b. Containers.

- (1) All Recyclable Materials, except newspaper, shall be placed in a special container to be provided by the Township or the Township Licensee.
- (2) All Residential Solid Waste shall be placed in containers provided by the Contractor for use by residents electing to utilize a flat rate system or durable plastic bags provided

by the resident who elects to utilize a per bag system. Such bags shall not exceed 33 gallons capacity or 50 pounds in weight. All other Solid Waste to be collected by any Township Licensee not the Contractor shall be placed in containers.

- (3) Containers containing garbage shall be covered with a lid which fits securely and prevents access to rodents and insects. Plastic bags shall be secured or tied.
- (4) It shall be unlawful to permit the accumulation of or residue of liquids, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thoroughly rinsing and draining as often as necessary. All containers shall be kept in a sanitary condition and shall be kept in good condition. The responsibility to keep such container in sanitary condition shall be that of the resident(s) utilizing such container; the responsibility of keeping the container in good condition shall be that of the Contractor providing such container with respect to Residential Solid Waste and the owner of the container with respect to all other Solid Waste.
- (5) The Township shall provide special containers to be used by owners, lessees and occupants of dwelling units for the storage and collection of recyclable materials. In the event such containers are lost, damaged or destroyed, same shall be replaced at the expense of the owner, lessee and/or occupant.

c. Accumulation of Residential Solid Waste.

- (1) No person shall place or cause to be placed any Residential Solid Waste or Solid Waste along or upon any street, alley or other public place, or upon any private property, whether owned by such person or not, except it be in proper receptacles for collection, properly bundled as herein provided for collection, or under an express license issued by the Township.

- (2) No person shall deposit Residential Solid Waste or Solid Waste in any stream or any other body of water.
 - (3) No person shall maliciously spill or scatter the contents of any waste container or plastic bag, or damage or destroy any such container or plastic bag.
 - (4) No person, except the occupant of the premises on which the waste container or plastic bag is placed or an authorized contractor shall remove the lids of the container and/or remove the contents of such container or plastic bag.
- d. Location of Containers. Waste and recyclable containers, plastic bags and bundles shall be placed at the curbside on public streets in advance of the scheduled time for collection.
- e. Limitation on Time of Placement of Containers. No person shall place any container or bag of Residential Solid Waste or recyclables for collection pursuant to subsection d. immediately above, earlier than 6:00 o'clock P.M., prevailing time, on the day preceding the date of collection by the Contractor.

Section 9. Collection Practices.

- a. Residential Solid Waste and recyclables shall be removed from Dwellings one (1) time per week pursuant to schedules to be published by Contractor, as approved by Township. All other Solid Waste and recyclables shall be removed one time each week.
- b. Trucks to be used for the removal of material shall be of metal body, securely covered, watertight, strongly built, kept thoroughly cleansed and well painted. Open trucks will not be acceptable except for the removal of large bulky items.
- c. Contractor and Township Licensee shall handle all receptacles, containers and bags as carefully and quietly as possible and shall return (not throw) them to the location where found.
- d. The Township shall have the right to inspect any collection vehicle at any time and place while it is being used within the Township. In addition, the Contractor and Township Licensee shall make vehicles available for inspection whenever so requested by the

Township at a specific time and place.

- e. The Contractor shall collect an unlimited number of containers, plastic bags and bundles of the authorized size and weight.
- f. The collection practices of the Contractor and any other person removing Residential Solid Waste, Solid Waste and/or recyclables, garbage, trash, ashes, rubbish, refuse or other waste material from the Township by license of the Township shall conform to all applicable rules and regulations of the Commonwealth, the County, the Township and any contract or contracts between the parties.
- g. Special Waste Problems.
 - (1) Removal of wearing apparel, bedding or other waste materials from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Township. Such material shall not be placed in containers, plastic bags or bundles for regular collection.
 - (2) Highly inflammable or explosive materials shall not be placed in containers, plastic bags or bundles for regular collection, but shall be disposed of as directed by the Township at the expense of the owner or possessor thereof.

Section 10. Dumping. No person shall dump, bring, deposit or otherwise dispose of garbage, ashes, rubbish or refuse of any kind or nature within the jurisdictional limits of the Township, except for collection as herein provided or except under express license issued by the Board of Supervisors.

Section 11. Zoning Officer's Authority and Duties; Rules and Appeals.

- a. The Township employee serving as Zoning Officer shall be charged with the administration of the provisions of this Ordinance. He shall have authority to make rules and regulations relating to the administration of the provisions of this Ordinance in addition to any other powers herein conferred upon him, provided that such rules and regulations are not contrary to the provisions hereof.

- b. A person aggrieved by any rule or regulation promulgated by the Zoning Officer shall have the right of appeal to the Township Supervisors which may confirm, modify or revoke any such rule or regulation.

Section 12. Penalty. Any person who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for the use of the Township of Middlesex and ordered to pay the costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than fifteen (15) days in the Cumberland County Prison. Each day's violation of this Ordinance shall constitute a separate offense.

Section 13. Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provisions had not been included therein.

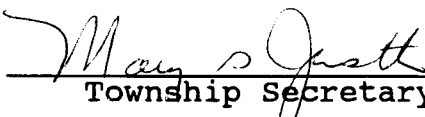
Section 14. Effective Date. This Ordinance shall become effective on April 1, 1999.

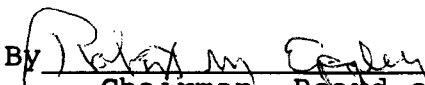
Section 15. Repeal Provisions. Any prior ordinance inconsistent herewith shall be deemed to be repealed.

ENACTED AND ORDAINED this 3 day of February , 1999.

TOWNSHIP OF MIDDLESEX

ATTEST:


Township Secretary

By 
Chairman, Board of Township
Supervisors

(Township Seal)