

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 473

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MIDDLETOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, CHAPTER VI, PUBLIC UTILITIES AND SERVICES, BY AMENDING ARTICLE 1, GARBAGE AND REFUSE, AND ARTICLE 4, RECYCLING PROGRAM, TO ESTABLISH AN EXPANDED MUNICIPAL RECYCLING PROGRAM IN CONFORMANCE WITH THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, (ACT 101 OF 1988).

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, (Act 101 of 1988) provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials: and

WHEREAS, conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment: and

WHEREAS, the adoption and implementation of recycling will affect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment:

NOW, THEREFORE, BE IT ORDAINED, by the Council of Middletown Township, Delaware County, Pennsylvania by the authority of the same that:

- 1) Article 4 - "Recycling Program" shall be deleted in its entirety and replaced with the following Article 4.

SECTION 401. TITLE: MUNICIPAL RECYCLING PROGRAM

SECTION 402. DEFINITIONS:

The following words and phrases shall have the meanings respectively assigned to them by this section:

Aluminum Cans shall mean empty all-aluminum beverage and food containers.

Commercial Establishment shall mean those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

Community Activities shall mean 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.

Corrugated Paper shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Glass Containers shall mean bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass and porcelain and ceramic products.

High-grade Office Paper shall mean all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

Institutional Establishment shall mean those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

Multi-Family Housing Properties shall mean any properties having four (4) or more dwelling units per structure.

Municipal Establishments shall mean public facilities operated by the municipality and other governmental and quasi-governmental authorities.

Municipality shall mean Middletown Township.

Newspapers shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest.

Person(s) shall mean owners, lessees and occupants of residences, commercial or institutional establishments, multi-family housing properties of more than four (4) dwelling units, or operators or sponsors of community activities.

Plastic Containers shall mean empty plastic beverage containers manufactured of polyethylene terephthalate (PET) or high density polyethylene (HDPE).

Recyclable Materials (Recyclables) shall mean source separated reusable materials, including materials listed in Section 1501 of Act 101, and materials identified by the municipality to be recycled, which would otherwise be disposed of or processed as waste.

Residential Dwellings shall mean any occupied single or multi-family dwelling having up to four (4) dwelling units per structure.

Source Separated Recyclable Materials shall mean those materials separated at the point of origin for the purpose of being recycled.

Waste shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source separated recyclable materials.

SECTION 403. ESTABLISHMENT OF PROGRAM

There is hereby established a recycling program for the mandatory separation of recyclables from garbage and refuse in Middletown Township. The items to be recycled and the specific instructions for recycling shall be contained within recycling program regulations which shall be adopted by resolution of the Council of Middletown Township and may be amended from time to time upon approval of the Council. Recycling program regulations shall ensure that the minimum requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988) as may be amended, and the Delaware County Solid Waste Management Plan, as may be amended, are met.

The Township Council, or its authorized agent, is empowered to designate the day or days of the month on which recyclables shall be collected, removed and disposed of from the Township or any designated area within the Township.

SECTION 404. SEPARATION OF RECYCLABLES AND PLACEMENT FOR REMOVAL

All recyclables shall be kept separate from other garbage and refuse and shall be collected by the Township or by its designated agent. Recyclables shall be sorted and placed for collection in the manner described in the recycling program regulations. These materials shall be placed either at the curbside in such a manner that prevents the blowing or scattering of these materials so as to cause littering, or they shall be placed in specific recycling collection locations as may be designated in the recycling program regulations from time to time. Nothing shall prevent the municipality from establishing different recycling requirements and procedures for different classes of use within the municipality.

SECTION 405. SEPARATION AND DISPOSAL OF LEAF WASTE

Leaf waste shall be separated from garbage and refuse in accordance with requirements established by the Municipal Waste Planning Recycling and Waste Reduction Act (Act 101 of 1988) and the Delaware County Solid Waste Management Plan as amended from time to time. All property owners shall make provision for the on-lot composting of leaf waste, or shall place leaf waste curbside for collection for composting purposes by Middletown Township under recycling program regulations.

SECTION 406. MUNICIPAL OWNERSHIP OF RECYCLABLE MATERIALS

From the time of placement of recyclable materials at the curb or at specified recycling collection points for collection in accordance with the terms of the Middletown Township Recycling Program regulations, these items shall be and become the property of Middletown Township or its authorized agent. It shall be a violation of this ordinance for any person unauthorized by the Township to collect or pickup or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION 407. EXISTING RECYCLING OPERATIONS

Any non-municipally operated recycling programs in existence on the effective date of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988) may continue in existence, providing that each such operation obtain a permit to continue the collection of recyclables within the municipality subject to provisions and restrictions identified in the recycling program regulations for community activities.

SECTION 408. RECYCLING OF MATERIALS

It shall be unlawful for a person to collect, remove or dispose of solid waste which contains recyclable materials designated by recycling program regulations with other forms of solid waste or refuse.

SECTION 409. RESIDENTIAL COLLECTION FEE

The owner of each residential property served by the curbside recycling program shall be billed by the Township on an annual basis at an amount established by the Township Council. Said billing shall be sufficient to cover the cost of the residential collection, administrative and billing costs, and any tipping fees, disposal costs, or shipping charges involved in marketing the recyclables collected.

SECTION 410. VIOLATION AND PENALTY

Any person, firm or corporation who violates or neglects to comply with any provision or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine not to exceed three hundred dollars (\$300) or the maximum fine allowed by law, except that the maximum fine for failure to comply with Section 408 hereof shall not exceed ten dollars (\$10) for the first offense or fifty dollars (\$50) for any succeeding offense.

SECTION 411. ADDITIONAL METHOD OF DISPOSAL

Any person may donate or sell recyclable materials to any other person, partnership or corporation whether operating for profit or not for profit for recycling purposes. Said other person, partnership or corporation may not, however, under any circumstances pick up recyclable materials placed for collection in accordance with Township recycling program regulations unless express authorization is received from the Township to do so.

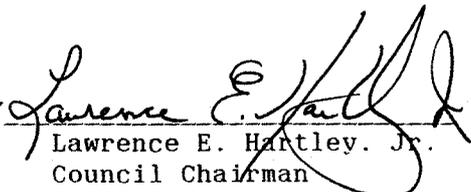
- 2) Article 1 - "Garbage and Refuse". Section 101B. Disposal Regulations, shall be amended by the addition of the following sentence at the end of the existing section:

"Materials designated as recyclable materials shall be handled in accordance with the provisions of Chapter VI, Article 4, Municipal Recycling Program."

- 3) Severability - If any part of this Ordinance is for any reason found to be illegal or invalid, such illegality or invalidation shall not affect any of the remaining parts of this Ordinance, which shall continue to be fully operative as if the illegal or invalid part had not been enacted.
- 4) Effective Date - This ordinance shall take effect immediately upon passage as required by law.

ENACTED and ORDAINED this 27th day of AUGUST . 1990.

TOWNSHIP OF MIDDLETOWN

BY 
Lawrence E. Hartley, Jr.
Council Chairman

ATTEST:


W. Bruce Clark
Township Manager