

## CHAPTER 20

### SOLID WASTE

#### Part 1

##### Solid Waste Management

- §101. Definitions
- §102. Operation by Licensed Collectors
- §103. Disposal at Designated Solid Waste Processing or Disposal Facility
- §104. Regulations
- §105. Existing Contracts
- §106. New or Expanded Private Dumps, Transfer Stations and Landfills  
Prohibited; Continuation of Existing facilities
- §107. Unlawful Activities; Nuisance
- §108. Penalties
- §109. Revocation of License
- §110. Injunctions; Concurrent Remedies
- §111. Intermunicipal Agreement
- §112. County/LCSWMA Operations and Charges
- §113. Construction

#### Part 2

##### Residential Recycling

- §201. Definitions
- §202. Mandatory Recycling
- §203. On-Site Collection and Disposal
- §204. Residential Units
- §205. Multi-Family Units and Non-Residential Units
- §206. Designated Recyclable Materials
- §207. General Requirements for Placement and Collection of Regulated  
Municipal Waste and Designated Recyclable Materials
- §208. Collector Permits
- §209. Approved Haulers
- §210. Illegal Dumping and Open Burning
- §211. Collection Service Fees
- §212. Scavenging
- §213. Unauthorized Collection
- §214. Existing Contracts
- §215. Authorization of Municipality
- §216. Unlawful Activity
- §217. Penalty
- §218. Persons Liable
- §219. Injunctive Relief
- §220. Concurrent Remedies

Part 3  
Collection

- §301. Definitions
- §302. Mandatory Recycling
- §303. Collection, Transportation and Disposal
- §304. Residential Units
- §305. Multifamily Units
- §306. Designated Recyclable Materials
- §307. General Regulations for Placement and Collection of Regulated  
Municipal Waste and Designated Recyclable Materials
- §308. Licensing of Haulers
- §309. Approved Haulers
- §310. Collection Service Fees
- §311. Scavenging
- §312. Unauthorized Collection
- §313. Existing Contracts
- §314. Authorization of Municipality
- §315. Unlawful Activity
- §316. Penalty
- §317. Persons Liable
- §318. Injunctive Relief
- §319. Concurrent Remedies

Part 1  
Solid Waste Management

§101. Definitions.

1. The following terms shall have the following meanings in this Part:

COUNTY - the County of Lancaster.

EXISTING CONTRACT - any agreement or contract fully executed prior to the effective date of this Part for the collection, disposal or transportation of municipal waste generated within this Borough.

FACILITY - the waste to energy incinerator to be constructed by or on behalf of LCSWMA pursuant to the plan.

FULL SYSTEM OPERATION or FULLY OPERATIONAL - that date which is sixty (60) days from the date upon which the County and other municipalities representing in the aggregate not less than sixty (60%) percent of the population of the the County, as determined by the 1980 Decennial Census of the United States, execute the Intermunicipal Agreement and enact waste flow ordinances.

LCSWMA - the Lancaster County Solid Waste Management Authority, its assigns, its successors in interest, and its predecessor in interest, the Lancaster Area Refuse Authority.

MUNICIPALITY - the Borough of New Holland, located in the County of Lancaster, and Commonwealth of Pennsylvania.

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 provisions of this Part prescribing a fine, penalty, imprisonment or denial or grant of any license, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

PLAN - the municipal waste management plan for the County adopted by the County or municipalities therein and approved by the Pennsylvania Department of Environmental Resources.

POINT OF ENTRY INTO THE SYSTEM - any delivery site within the system designated by LCSWMA for delivery of regulated municipal waste.

RECYCLING - the collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste and other materials which would otherwise become municipal waste.

REGULATED MUNICIPAL WASTE - any garbage, refuse, industrial lunchroom or office waste, and other material including solid or semi-solid material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities, and any other solid waste which is within the definition "municipal waste" set forth in Section 103 of the Pennsylvania Solid Waste Management Act, Act of July 2, 1980, P.L. 380, No. 97, Pa. Stat. Ann., Tit. 35, §6018.103 (Purdon Supp.

1985), and which LCSWMA, the County, or any contractor selected by the County or LCSWMA to construct and/or operate a resource recovery facility or facilities to be located within the municipal boundaries of the County by ordinance or regulation is willing to accept at the Facility, but excluding (a) any liquid waste or sludge, (b) any waste which is defined by existing or future Federal or State law or regulation as hazardous waste or residual waste, (c) infectious waste, pathological waste, or other waste for which treatment or handling requirements different from those normally applicable to municipal waste apply, (d) polychlorinated biphenyls, (e) any waste which may be marketable and which is intentionally segregated for purposes of recycling and (f) materials specifically excluded under applicable County or LCSWMA ordinances, rules or regulations.

SOURCE SEPARATION - the segregation and collection, prior to deliver to a point of entry into the system, of materials for the sole purpose of recycling.

SYSTEM - the overall solid waste management and disposal system and every aspect thereof owned or operated by or on behalf of LCSWMA including, without limitation, equipment, transfer stations, resource recovery facilities, and landfills, owned or operated, or to be acquired, constructed or operated by LCSWMA or any agent, designee or contractor thereof in implementation of the plan.

TRANSFER FACILITY - any solid waste facility which is now or hereafter may be established by LCSWMA or the County for the purpose of accepting solid waste for processing and economical consolidation for subsequent delivery to the facility or other solid waste disposal site.

2. All other words and phrases shall have the same meanings as set forth in the Pennsylvania Solid Waste Management Act, Act of July 7, 1980, P.L. 380. No. 97, Pa. Stat. Ann., Tit. 35, § 6018.101 et seq., (Purdon Supp. 1985) as it may hereinafter be amended or supplemented by legislation regarding municipal waste planning.

(Ord. 365, 1/6/1987, §1)

#### §102. Operation By Licensed Collectors.

1. Licensing. No person who is not duly licensed by LCSWMA to deliver waste to the County system may collect or transport municipal waste located or generated within this Borough. This prohibition shall become effective one hundred twenty (120) days from the effective date of this Section of this Part.

2. Compliance with Rule, Regulations and Ordinances. In carrying on activities related to solid waste collection or transportation within this Borough, all municipal waste collectors and all municipal waste transporters shall comply with all rules, regulations and ordinances pertaining to the collection, transportation and disposal of solid waste as may be hereinafter enacted by this Borough or by the County pursuant to a parallel County waste flow ordinance and all rules and regulations enacted by LCSWMA pursuant to authority given it under Pa. Stat. Ann., Tit. 53, §315 (Purdon 1974 and Purdon Supp. 1985), as hereinafter amended.

3. Administration. Licenses hereunder shall be issued, revoked and administered by LCSWMA.

(Ord. 365, 1/6/1987, §2)

§103. Disposal at Designated Solid Waste Processing or Disposal Facility.

1. Delivery to LCSWMA/County Sites. All municipal waste collectors and transporters shall deliver and dispose of all regulated municipal waste collected or generated within the Borough at a transfer station or disposal facility owned and operated by or on behalf of LCSWMA, subject to such reasonable regulations for the operation thereof as may be established by the County or LCSWMA.

2. Disposal at Other Sites. Disposal of regulated municipal waste collected or generated within the Borough may occur at other sites only as permitted by rule, regulation, ordinance or order duly issued by the County or by the written agreement of the County, LCSWMA, and the Borough. Disposal of regulated municipal waste at an existing facility from sources reflected on the notice to the Borough, the County, and LCSWMA as provided in §106(3) of this Part shall be permitted.

3. 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.

(Ord. 365, 1/6/1987, §3)

§104. Regulations.

1. Compliance with County and LCSWMA Regulations. The collection, transportation and disposal of municipal waste present or generated within the Borough shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the County pursuant to its waste flow ordinance and such rules and regulations as may be adopted by LCSWMA pursuant to Pa. Stat. Ann., Tit. 53, §315 (Purdon 1974 and Purdon Supp. 1985), as hereafter amended, including, without limitation, regulations governing applications and standards for licensing, fees to be charged for such licensing, the terms of licenses, procedures, record-keeping, transportation routes and other matters.

2. County Authorization to Adopt Regulations. Rules and regulations adopted by the County pursuant to the parallel County waste flow ordinance to be adopted pursuant to the intermunicipal agreement described in §111, hereof, shall be deemed rules and regulations adopted under this Part and the County is hereby authorized to adopt such rules and regulations.

3. Consistency of Regulations with Ordinance and Other Laws. No rules or regulations adopted pursuant to this Part shall be contrary to or less stringent than the provisions of this Part, the plan, the County waste flow ordinance, the Pennsylvania Solid Waste Management Act 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.

(Ord. 365, 1/6/1987, §4)

§105. Existing Contracts.

1. Non-interference with Existing Contracts. Nothing contained in this Part shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Borough on the effective date of this Part.

2. New Contracts and Renewals of Existing Contracts. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for municipal waste collection, transportation, processing or disposal 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, the County waste flow ordinance, rules and regulations promulgated thereunder, and the terms of licenses issued thereunder.

(Ord. 365, 1/6/1987, \$5)

§106. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited: Continuation of Existing Facilities.

1. Prohibition of Private Waste Processing and Disposal Facilities. No person other than LCSWMA, the United States of America, the Commonwealth of Pennsylvania, a county, a municipality, an authority created by the foregoing, or a person acting on behalf of the foregoing shall use or permit to be used any property owned or occupied by that person within the Borough as a municipal waste processing or disposal facility, either for municipal waste generated within the Borough or elsewhere, without the express written approval of the Borough, the County and LARA.

2. Recycling. The prohibition set forth in §106(1) of this Part shall not interfere with the operation of any program for recycling.

3. Existing Facilities. The prohibition set forth in §106(1) of this Part shall not interfere with the operation of any privately or publicly owned solid waste facility which has been issued a solid waste permit before the effective date of this Part, provided:

A. The owner or operator of the facility provides written notice to the County and the Borough of the facility permit number, address, ownership and existing sources of waste no later than sixty (60) days after the effective date of this Part.

B. The facility accepts regulated municipal waste from no sources within the County other than those then authorized by the facility's solid waste permit and then being accepted, as reflected on the notice provided the County and Borough pursuant to this Section.

C. The facility shall not be expanded in capacity, with the exception of facilities owned or operated by or on behalf of another county, which facilities may expand if such expansion is consistent with a DER approved municipal waste management plan.

D. Notices under this Section shall be submitted to the Borough Manager on behalf of the Borough. The County may by resolution designate LCSWMA or another authority or agency as the entity which will receive notice pursuant to this Section.

(Ord. 365, 1/6/1987, \$6)

§107. Unlawful Activities; Nuisance.1. Unlawful Conduct. It shall be unlawful for any person to:

A. Accumulate or cause to be accumulated municipal waste in an amount greater than twenty (20) tons, other than waste which has been source separated for the purpose of recycling;

B. Violate, cause or assist in the violation of any provision of this Part, any rule, regulation or order promulgated hereunder, or any rule, regulation or order promulgated by LCSWMA or the County consistent with this Part;

C. Process, treat, transfer, or dispose of or cause to be processed, treated, transferred or disposed regulated municipal waste generated within the Borough at any solid waste facility other than a solid waste facility owned or operated by or on behalf of the County or LCSWMA or at an existing solid waste facility as permitted by §106(3) of this Part, without the express written consent of any municipality within which the facility is located, the County, and LCSWMA;

D. Collect or transport municipal waste present or generated within the County without a valid license for disposal issued by LCSWMA;

E. Hinder, obstruct, prevent or interfere with the Borough, the County, LCSWMA or their personnel in the performance of any duty under this Part or in the enforcement of this Part, or;

F. Act in a manner that is contrary to Pennsylvania Solid Waste Management Act, regulations promulgated thereunder, the plan, this Part, the County ordinance, rules or regulations promulgated thereunder, or the terms of licenses issued thereunder.

2. Public Nuisance. Any unlawful conduct set forth in §107(1) hereof shall constitute a public nuisance.

(Ord. 365, 1/6/1987, §7)

§108. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred fifty dollars (\$150.00) and not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 365, 1/6/1987, §8; as amended by A.O.

§109. Revocation of License. Upon finding that any person has engaged in unlawful conduct as defined in this Part:

A. LCSWMA, the Borough, the County may revoke any license issued by LCSWMA to that person in accordance with §102 of this Part; and,

B. LCSWMA may deny any subsequent application by that person for a license pursuant to §102 hereof.

(Ord. 365, 1/6/1987, §9)

§110. Injunctions; Concurrent Remedies.

1. Restraining Violations. In addition to any other remedy provided in this Part, the Borough, the County or LCSWMA may institute a suit in

equity where unlawful conduct or public nuisance exists as defined in this Part for an injunction to restrain a violation of this Part or rules, regulations, orders or the terms of licenses promulgated or issued pursuant to this Part. In addition to an injunction, the court may impose penalties as authorized by §108 hereof and revoke any licenses as authorized by §109 hereof.

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

(Ord. 365, 1/6/1987, §10)

§111. Intermunicipal Agreement.

1. Entry into Intermunicipal Agreement. In order to implement the intent and terms of this Part, the Borough, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180, codified at Pa. Stat. Ann., Tit. 53, §§481 to 490 (Purdon 1974 and Purdon Supp. 1984) and Article IX, Section 5, of the Constitution of the Commonwealth of Pennsylvania, hereby enters into the intermunicipal joint cooperation agreement between this Borough, the County, and other municipalities within the County of Lancaster, which is on file in the Borough office and incorporated herein, together with such changes consistent with this Part, if any, as may be approved by the officials or the parties executing the same, such execution to be conclusive evidence of such approval ("Intermunicipal Agreement"). [Ord. 427]

2. Terms and Implementation of Intermunicipal Agreement. As more fully set forth in the Intermunicipal Agreement and this Part:

A. Conditions and Terms of Agreement. In the Agreement:

(1) The County agrees (A) to arrange for the provision of municipal waste disposal facilities for the economical and environmentally sound disposal of municipal waste generated within the participating municipalities, (B) to coordinate recycling activities and marketing and (C) to assure continuing municipal waste planning for the County and the participating municipalities by entering into an agreement with LCSWMA;

(2) The County and participating municipalities representing, in the aggregate, not less than sixty (60%) percent of the population of the County each agree to enact a waste flow ordinance in a form substantially similar to this Part and to assure otherwise that all acceptable municipal solid waste be delivered to the County system;

(3) The County agrees (A) to enact rules and regulations, (B) to cause LCSWMA to enact additional rules and regulations and to administer a licensing program, and (C) to enforce this Part and the parallel municipal and County waste flow ordinances;

(4) The County agrees to assure reasonable solid waste disposal fees for residents of the participating municipalities; and,

(5) The parties agree to cooperate in the joint enforcement of the Intermunicipal Agreement and all ordinances enacted pursuant to the Intermunicipal Agreement and this Borough thereby agrees cooperatively to exercise, to delegate to the County, and to allow delegation of such powers, duties and responsibilities as set forth in the Intermunicipal Agreement.

B. Duration of Term of the Agreement. The term of the Intermunicipal Agreement shall commence upon the date on which the County and other municipalities representing at least sixty (60%) percent of the population of the County have executed the Intermunicipal Agreement and shall terminate forty (40) years following that date, unless terminated earlier for cause.

C. Purpose and Objectives of Agreement. The purpose of the Intermunicipal Agreement is to provide a mechanism (i) to finance, to construct and to operate a municipal waste disposal system to serve this Borough and other municipalities within the County, (ii) to administer a County wide recycling program, and (iii) to provide continuing municipal waste planning, as more fully set forth in the recitals to the Intermunicipal Agreement and this Part.

D. Manner and Extent of Financing the Agreement. Enforcement of this Part shall be financed by the County's general revenues, except insofar as the Borough elects to enforce this Part; administration of this Part the recycling program and planning shall be financed by LCSWMA with revenues received from operation of the County system; and construction and operation of the County system shall be financed by debt instruments issued by LCSWMA and operating revenues.

E. Organizational Structure Necessary to Implement the Agreement. LCSWMA shall be formed from LARA by amendment of LARA's Articles of Incorporation; LCSWMA shall (a) construct and operate or arrange for the construction and operation of the County system and (b) administer and enforce this Part and parallel ordinances adopted by the County and other municipalities pursuant to the Intermunicipal Agreement; and the County and the Borough shall enforce said waste flow ordinances with assistance from LCSWMA.

F. Management and Acquisition of Property. All property within the County system shall be acquired, managed and disposed of by LCSWMA, in accordance with its separate agreement with the County and the powers and duties imposed upon LCSWMA by law.

3. Execution. Appropriate officers of the Borough are authorized and directed to execute the Intermunicipal Agreement on behalf of the Borough.

(Ord. 365, 1/6/1987, §11; as amended by Ord. 427, 12/28/1993)

§112. County/LCSWMA Operations and Charges. The Borough has been advised by the County that the plan proposes to provide for solid waste processing and disposal facilities which will be operated efficiently and economically by LCSWMA and in accordance with all applicable laws and regulations, and also that LCSWMA will impose reasonable charges, which will be uniform among all classes of the users of the plant or plants from participating municipalities which execute the Intermunicipal Agreement within ninety (90) days of the date upon which DER grants preliminary

approval to the plan. Charges may differ for different categories of waste and for different points of entry into the system. (Ord. 365, 1/6/1987, §12)

§113. Construction. The terms and provisions 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 of July 7, 1980, P.L. 380, No. 97, known as the Solid Waste Management Act, Pa. Stat. Ann., Tit. 35, §6018.101 et seq. (Purdon Supp. 1985). (Ord. 365, 1/6/1987, §13)

Part 2  
Residential Recycling

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

ACT 97 - the Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended, 35 P.S. §6018.101 et seq.

ACT 101 - the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, as now or hereafter amended, 53 P.S. §4000.101 et seq.

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

BATTERY BAGS - bags which LCSWMA makes available to generators of municipal waste and which shall be used as disposal containers for batteries which are generated in households.

CLEAR GLASS - clear glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COLORED GLASS - colored glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

COMMENCEMENT DATE - the date upon which the current and each subsequent municipal contract collection services begin.

COMMINGLED - designated recyclable materials (1) which have been segregated from regulated municipal waste, but have not been separated into different types of recyclable materials and (2) which have been placed in a recycling container for the purpose of collection.

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

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

CONSTRUCTION/DEMOLITION WASTE - a portion of municipal waste resulting from the construction or demolition of buildings and other structures, including wood, plaster, drywall and wall board, metals, asphaltic substances, bricks, block, and unsegregated concrete. The

term also includes street sweepings and non-friable asbestos waste. The term does not include the following if they are separated from other waste and used as clean fill:

(1) Uncontaminated soil, rock, stone, gravel, brick, block, concrete, and used asphalt.

(2) Waste from land clearing, grubbing and excavation including trees, brush, stumps and vegetative material.

CONTRACTOR - the person providing municipal contract waste and designated recyclable materials collection services under the municipal contract.

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

COUNTY - the County of Lancaster, Pennsylvania.

CURBSIDE - the correct location for the placement of refuse containers and recycling containers for the purpose of collection by the contractor under the municipal contract, and by permitted collectors at multi-family units and non-residential units, which shall be (1) adjacent to the residential unit and (2) no more than five (5) feet from the public street used by collection vehicles.

CUSTOMER - a person with an agreement for on-site collection of solid waste generated by such person or within a residential unit, multi-family unit or non residential unit occupied by such person.

DESIGNATED RECYCLABLE MATERIALS - those source separated recyclable materials designated in §206 of this Part.

EXISTING CONTRACT - any contract for the storage, collection, transportation, processing or disposal of regulated municipal waste or designated recyclable materials generated or located within the municipality which (1) was legally entered into prior to the effective date of this Part and (2) when entered into was legally enforceable.

EXTRA REFUSE CONTAINERS - refuse containers which are in excess of the number of refuse containers per collection site limit in the municipal contract.

EXTRA SERVICE TAG - a label which shall be affixed to tires, white goods, oversized refuse items, yard waste and extra refuse containers in order for such items to be collected by the contractor.

FACILITY - any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which solid waste or source separated recyclable materials, or any portion of solid waste or source separated recyclable materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of solid waste or source separated recyclable materials.

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

GENERATOR - a person who produces or creates any solid waste.

HAZARDOUS WASTE - garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (1) coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§30.51-30.62), (2) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1691.1001), (3) solid or dissolved material in domestic sewage, (4) solid dissolved materials in irrigation return flows, (5) industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act (33 U.S.C.A. §1342), or (6) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2394).

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

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

- (1) Anti-freeze.
- (2) Batteries.
- (3) Chlorinated hydrocarbons.
- (4) Fluorescent light bulbs and other mercury-containing devices.
- (5) Gasoline and kerosene.
- (6) Grease and rust solvents.
- (7) Oven, toilet and drain cleaners.
- (8) Paints, rust preventatives, stains and wood preservatives.
- (9) Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers.
- (10) Photographic and pool chemicals.

- (11) Thinners, solvents and furniture strippers.
- (12) Transmission and brake fluids.
- (13) Used oil or other hydrocarbon based lubricants.
- (14) Wood, metal, rug and upholstery cleaners and polishes.

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

LCSWMA FACILITY - any facility owned or operated by or on behalf of LCSWMA.

MANIFEST - a form supplied by LCSWMA to be completed and signed by each person who collects or transports solid waste or source separated recyclable materials and which specifies, inter alia, (1) the source, type, quantity and delivery point for the solid waste or source separated recyclable materials, (2) the applicable license number and (3) other pertinent information.

MULTI-FAMILY UNIT - a property with four (4) or more residential units including, without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

MUNICIPAL CONTRACT - the agreement between the municipality and a permitted collector under which collection services are to be provided to residential units for municipal contract waste and for designated recyclable materials.

MUNICIPAL CONTRACT WASTE - those portions of regulated municipal waste which are to be collected and disposed of under this municipal contract. Municipal contract waste consists exclusively of refuse and oversized refuse items.

MUNICIPAL CUSTOMER - an owner or occupant of a residential unit electing to receive the collection services for municipal contract waste and designated recyclable materials under the municipal contract.

MUNICIPALITY - the Borough of New Holland, Lancaster County, Pennsylvania, 436 E. Main Street, New Holland, PA 17557.

MUNICIPALITY'S POLICIES AND PROCEDURES - the rules and regulations adopted and revised from time to time by the municipality which govern and pertain to (1) the municipality's recycling program and (2) the on-site collection or storage of regulated municipal waste within the municipality.

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

NON-PROCESSABLE WASTE - non-processable waste is a portion of municipal waste consisting of materials which cannot be handled by LCSWMA's normal processing or disposal methods. Non-processable waste includes items greater than six (6) feet in any dimension such as mattresses, large furniture and recreational vehicles. Non-processable waste (oversized) may consist of large auto parts, machines, and any other items deemed appropriate by LCSWMA.

NON-RESIDENTIAL UNITS - all commercial, municipal and institutional establishments, all community activities, and all farms, excluding residential units and multi-family units.

OVERSIZED REFUSE ITEMS - refuse which will not fit into refuse containers but which is not non-processable waste, including small furniture, carpet, portable televisions and the like, but excluding tires and white goods.

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

OTHER CUSTOMER - an owner or occupant of a residential unit electing not to receive collection services under the municipal contract and that independently contracts with a permitted collector for the collection of regulated municipal waste and designated recyclable materials.

PERMITTED COLLECTOR - a person who is in possession of all pertinent permits and licenses which may be required by (1) the Commonwealth of Pennsylvania and LCSWMA for the off-site collection, transportation, storage or disposal of solid waste or recyclable materials and (2) the municipality for the on-site collection of solid waste or recyclable materials generated within the municipality.

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

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

PUTRESCIBLE WASTE - a portion of municipal waste consisting of organic waste materials which due to biological decomposition are, or have a tendency to be, rotten, foul, or odorous, including dead animals and spoiled foods, but not including sludge.

RECYCLABLE MATERIALS - any material which would be regulated municipal waste but for source separation and which will be processed into raw materials or products which are beneficially reused.

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

RECYCLING CONTAINER - for residential units, the term "recycling container" shall refer to the container supplied by the municipality. For multi-family units and non-residential units, the term recycling container shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting.

REFUSE - refuse is that portion of regulated municipal waste except:

- (1) Construction/demolition waste.
- (2) Non-processable waste.
- (3) Putrescible waste.
- (4) Household hazardous waste.

REFUSE CONTAINER - a receptacle which is (1) constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors or (2) a polyethylene bag which (a) is specifically designed for storage and collection, (b) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents, and (c) has a holding strength capable of withstanding normal stresses until it is collected. With respect to residential units, the weight of a refuse container and its contents shall not exceed thirty (30) pounds nor shall its capacity exceed thirty-two (32) gallons.

REGULATED MUNICIPAL WASTE - any solid waste generated or collected within the municipality which is garbage, refuse, industrial lunchroom or office waste, and other material, including solid, liquid, semisolid 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 waste or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include designated recyclable materials or unacceptable waste.

RESIDENTIAL UNIT - any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a multi-family building containing three (3) or fewer dwelling units, excluding farms. When used in this Part or the municipality's policies and procedures, the term "residential unit" shall also refer to any multi-family unit or non-residential unit that requests and receives approval from the municipality to use the collection services provided under the municipal contract.

RESIDUAL WASTE - any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (1) coal refuse as defined in the Coal Refuse Disposal Control Act or (2) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.

SCAVENGING - the removal of designated recyclable materials in violation of §212 of this Part.

SINGLE STREAM - a system where recyclable materials; commonly fibers and glass, metal and plastic containers; are collected and processed together.

SOLID WASTE OR WASTE - any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

SOURCE SEPARATE or SOURCE SEPARATION - the process of separating, or the separation of, designated recyclable materials from other solid waste at the location where generated for the purpose of recycling.

STEEL CANS - the ferrous metal food or beverage containers commonly known as tin cans.

TIRES - any pneumatic rubber automobile, truck, or farm implement tire.

UNACCEPTABLE WASTE - the following types of solid waste are unacceptable waste unless approved by LCSWMA on a case-by-case basis:

- (1) Chemotherapeutic waste.
- (2) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue.
- (3) Explosives and ordnance materials.
- (4) Gas cylinders, unless empty and delivered separate from other solid waste.
- (5) Hazardous waste.
- (6) Infectious/pathological waste.
- (7) Radioactive materials.

WHITE GOODS - a portion of regulated municipal waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces, and electrical heaters.

YARD WASTE - all garden residues, leaves, shrubbery, tree trimmings, grass clippings, and sod.

(Ord. 493, 3/4/2003, §1)

§202. Mandatory Recycling. All persons within the municipality shall source separate designated recyclable materials generated by such person or generated within a residential unit, multi-family unit or non-residential unit occupied by such person. (Ord. 493, 3/4/2003, §2)

§203. On-site Collection and Disposal. Each person who owns a residential unit, multi-family unit or non-residential unit within the municipality shall ensure that regulated municipal waste and designated recyclable material generated at such residential unit, multi-family unit or non-residential unit are collected and disposed of in accordance with this Part, the municipality's policies and procedures, and LCSWMA rules and regulations. (Ord. 493, 3/4/2003, §3)

§204. Residential Units.

1. Election. Each owner of a residential unit shall have one (1) opportunity prior to the commencement date to elect whether to receive on-

site collection services under the municipal contract. Persons who first own a residential unit after the commencement date shall have thirty (30) days to elect whether to receive on-site collection services under the municipal contract after notification from the municipality of the municipal contract and its terms. Upon occupancy of newly constructed residential units, the owner shall have the opportunity to elect or not elect to receive collection services under the municipal contract. Residential units electing to receive such services shall be governed by the rules of subsection .2 below. Residential units electing not to receive such services shall be governed by subsection .3 below.

2. Owners of Residential Units Electing to Receive Municipal Contract Services (Municipal Customers). On-site collection services for municipal contract waste and designated recyclable materials shall be provided to municipal customers by the contractor. Municipal customers shall not during the term of the municipal contract enter into any independent agreement with any permitted collectors for the on-site collection of municipal contract waste or designated recyclable materials.

A. Each municipal customer shall prepare designated recyclable materials and municipal contract waste for on-site collection in accordance with the municipality's policies and procedures. Refuse containers shall be placed at curbside in a manner such that the refuse containers shall not spill, tip or otherwise deposit refuse on the street or ground. Extra refuse containers shall be marked with an extra service tag in accordance with the municipality's policies and procedures.

B. Municipal customers shall insure proper on-site collection and disposal of regulated municipal waste which is not municipal contract waste by either (1) themselves delivering such materials to a facility or (2) utilizing a permitted collector to collect and deliver such materials to a facility.

3. Owners of Residential Units Electing Not to Receive Municipal Contract Services (Other Customers). Other customers shall provide proper on-site collection and disposal of regulated municipal waste and designated recyclable materials generated at such residential units by utilizing a permitted collector to collect and deliver such materials to a facility, except as provided in §209 herein. Refuse containers shall be placed for on-site collection by permitted collectors in a manner such that the refuse containers shall not spill, tip or otherwise deposit refuse on the street or ground.

(Ord. 493, 3/4/2003, §4)

§205. Multi-Family Units and Non-Residential Units.

1. Each person who owns or occupies a multi-family unit or non-residential unit shall provide proper on-site collection and disposal for regulated municipal waste and designated recyclable materials by utilizing a permitted collector to collect and deliver such materials to a facility. With respect to municipal contract waste and designated recyclable materials, a person who owns a multi-family unit or non-residential unit may request municipality approval to receive the services under the municipal contract.

2. Each person who owns or occupies a multi-family unit or non-residential unit approved to receive services under the municipal contract shall comply with the municipality's policies and procedures established for residential units and, notwithstanding the provisions of §206.2 and .3 of this Part, shall source separate the recyclable materials designated in §206.1.

3. Each person who owns a multi-family unit or non-residential unit that does not receive services under the municipal contract shall:

A. Provide recycling containers at easily accessible locations for source separation of designated recyclable materials.

B. Provide written instructions to all persons occupying each multi-family unit and non-residential unit to ensure that all designated recyclable materials are source separated.

C. Provide collection of source separated designated recyclable materials at a frequency of not less than once per month.

(Ord. 493, 3/4/2003, §5)

§206. Designated Recyclable Materials.

1. Each person who owns or occupies a residential unit shall source separate the following recyclable materials: (A) clear glass, (B) colored glass, (C) aluminum, (D) steel cans, (E) plastic, (F) newsprint, (G) yard waste, (H) tires, and (I) white goods.

2. Each person who owns or occupies a multi-family unit shall source separate the following recyclable materials: (A) clear glass, (B) colored glass, (C) aluminum, (D) steel cans, (E) plastic, (F) yard waste, (G) tires, and (H) white goods.

3. Each person who owns or occupies a non-residential unit shall source separate the following recyclable materials: (A) clear glass, (B) colored glass, (C) aluminum, (D) steel cans, (E) plastic, (F) yard waste, (G) high grade office paper, (H) corrugated cardboard, (I) tires, and (J) white goods.

(Ord. 493, 3/4/2003, §6)

§207. General Requirements for Placement and Collection of Regulated Municipal Waste and Designated Recyclable Materials.

1. All persons who own or occupy residential units, multi-family units or non-residential units shall comply with the following requirements:

A. No regulated municipal waste or designated recyclable materials shall be placed at curbside for collection more than twenty-four (24) hours in advance of the scheduled time for collection. Refuse containers must be picked up no more than twelve (12) hours after collection.

B. Regulated municipal waste or designated recyclable materials from residential units shall not be stored at curbside prior to collection. Regulated municipal waste or designated recyclable materials shall be stored in containers which shall prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.

C. Regulated municipal waste and designated recyclable materials from multi-family units and non-residential units may be placed in bulk containers of suitable size, shape and material so as to prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.

2. All permitted collectors shall insure that collection of regulated municipal waste and designated recyclable materials shall comply with the following requirements:

A. Regulated municipal waste and designated recyclable materials shall be collected on the same day from residential units, and collection shall be made a minimum of once a week.

B. On-site collection from residential units shall occur on weekdays during hours established by the municipality. Notwithstanding the foregoing, Saturday collection will be permitted if a holiday has occurred within a week of the holiday.

C. No regulated municipal waste or designated recyclable materials shall be blown, scattered or deposited upon the ground in the process of collection.

D. Each permitted collector shall collect and deliver, separately to a LCSWMA facility battery drop-off location, all battery bags placed at curbside by residential units.

(Ord. 493, 3/4/2003, §7)

§208. Collector Permits.

1. All persons who desire to collect on-site, store, process or dispose of regulated municipal waste or designated recyclable materials within the municipality shall obtain a collection permit from the municipality prior to performance of any such activities.

2. Every person desiring a collection permit under this part shall make application to the municipality. Such application shall include the name and address of the person making application, proof of a valid license issued by LCSWMA and the Commonwealth of Pennsylvania, identification of other municipalities which have permitted that person, and whether any licenses have been revoked by LCSWMA or any other municipality which requires permitting of haulers. (The municipality may establish an annual collection permit fee set by resolution or ordinance.)

3. Applicants for a collection permit to operate as a permitted collector within the municipality shall demonstrate that:

A. A valid license has been issued by LCSWMA to the applicant.

B. Applicant's operation is in conformity in all respects with the rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA, and all municipality ordinances and the municipality policies and procedures.

C. Regulated municipal waste and designated recyclable materials shall be suitably enclosed or covered in all vehicles to be used so as to prevent roadside littering, attraction of vectors, or the creation of other nuisances.

D. All disposal of regulated municipal waste other than designated recyclable materials shall be at a facility.

E. All designated recyclable materials shall be recycled and shall not be disposed of as regulated municipal waste.

F. Insurance shall be obtained for the applicant's proposed operation in the municipality. A certificate of insurance demonstrating limits as follows:

(1) Required Vehicle Liability Insurance. The minimum liability insurance required under State Law.

(2) General Liability. Bodily injury, one hundred thousand dollars (\$100,000.00) per occurrence, and property damage, one hundred thousand dollars (\$100,000.00) per occurrence.

(3) Worker's Compensation. As required by law.

G. All equipment to be used has been properly licensed and inspected, and all operators have valid operator's licenses for the class of vehicle operated.

4. All municipality collection permits shall be issued for a period of one (1) year or longer. (There will be no proration of collection permit fees in the event a permit is held for less than a full year.) The municipality's policies and procedures may designate a sticker or other mechanism to be affixed to all collection equipment in order to verify that the equipment is properly permitted.

5. Collection permits may be suspended or revoked by the municipality at any time for just cause. Just cause shall include, but not be limited to, where the permitted collector:

A. Fails to maintain a valid license issued by LCSWMA.

B. Violates any of the provisions of this Part or the municipality's policies and procedures.

C. Improperly disposes of designated recyclable materials or regulated municipal waste.

D. Scavenges.

E. Fails to perform in good faith all the covenants of any agreement entered into with municipality customers or other customers.

6. Any person who has been denied a collection permit or whose collection permit has been suspended or revoked may appeal the denial, suspension or revocation to the municipality. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the municipality Secretary. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the municipality, and no appeal shall be considered complete without the payment of the appeal fee. A prompt decision on such appeal shall be made by the municipality.

7. Collection permits are not transferable to any other person.

(Ord. 493, 3/4/2003, §8)

§209. Approved Haulers.

1. With respect to (A) municipal contract waste and (B) designated recyclable materials generated by municipality customers, no person other than the contractor shall collect, store, process or dispose of such municipal contract waste. With respect to (A) regulated municipal waste other than municipal contract waste which is generated by municipality customers and (B) regulated municipal waste or designated recyclable materials which are generated by other customers, multi-family units or non-residential units, no person other than a permitted collector shall collect, store, process or dispose of such waste. Notwithstanding the foregoing, municipality customers who generate waste other than municipal contract waste and other customers may deliver regulated municipal waste or designated recyclable materials generated by the municipality customer or other customer directly to a LCSWMA facility.

Each permitted collector that collects on-site regulated municipal waste or designated recyclable materials generated in any residential unit, multi-family unit or non-residential unit shall complete monthly LCSWMA manifests, reporting the amount of regulated municipal waste and designated recyclable materials collected in the municipality.

2. No person who generates, owns or possesses designated recyclable materials or regulated municipal waste shall, by municipal contract for collection services or otherwise, cause, permit or assist in the on-site collection, storage, processing or disposal of such waste by any person other than:

A. The contractor with respect to municipal contract waste or designated recyclable materials generated by municipality customers.

B. A permitted collector with respect to regulated municipal waste other than municipal contract waste generated by municipality customers, and regulated municipal waste or designated recyclable materials generated by other customers, multi-family units and non-residential units.

3. Notwithstanding the provisions of §§205.2, 205.3, §210.1 and 210.2 above, any person who owns or occupies a residential unit or a farm may request from the elected body of the municipality approval to deliver to a LCSWMA facility the regulated municipal waste which was generated at such person's residence or farm. Approval of any such request for an exception to the requirement of using a permitted collector shall be within the sole discretion of the municipality and in any event shall not be granted absent firm proof by such person that such regulated municipal waste shall be delivered in a manner that is safe, sanitary and environmentally sound.

4. Each permitted collector that collects on-site regulated municipal waste or designated recyclable materials generated in any residential unit shall submit completed monthly LCSWMA manifests, reporting the amount of regulated municipal waste and designated recyclable materials collected in the municipality. All such reports shall be provided to the municipality monthly, no later than the fifteenth (15th) day of the month following the month in which the regulated municipal waste or designated recyclable materials were collected.

5. Each permitted collector who provides regularly scheduled service for the on-site collection of regulated municipal waste from any other customer shall also collect on-site designated recyclable materials from such other customer. Each such permitted collector shall establish, and shall notify each other customer of procedures and collection schedules for the source separation, segregation and packaging of regulated municipal waste and designated recyclable materials. Such procedure shall permit commingling of all aluminum, clear glass, colored glass, steel cans, and plastics in a single recycling container. Each such permitted collector shall schedule collections for yard waste, tires and white goods at least once annually and shall give each other customer at least thirty (30) days advance notice of the schedule for such collections. Newsprint shall either be bagged or bundled in accordance with instructions from the permitted collector to each other customer.

6. Recycling containers for residential units shall be provided by the municipality which shall retain title to all such recycling containers. The contractor and permitted collectors shall distribute recycling containers to all of their residential unit customers in accordance with guidelines established by the municipality.

7. Each permitted collector shall give written notice to each customer of such permitted collector's obligations under this Part and particularly the requirement to offer on-site collection services for designated recyclable materials.

8. No permitted collector who collects on-site or disposes of designated recyclable materials or regulated municipal waste shall, by contract for such services or otherwise, cause, permit or assist in the storage, collection, processing or disposal of designated recyclable materials in a manner which treats such materials as regulated municipal waste, or which is otherwise inconsistent with source separation or recycling. Any delivery of designated recyclable materials to a LCSWMA facility in accordance with the LCSWMA rules and regulations shall be deemed to satisfy the requirements of this subsection.

9. All regulated municipal waste and designated recyclable materials generated or collected in the municipality shall be delivered directly to a facility in accordance with the LCSWMA rules and regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such regulated municipal waste and designated recyclable materials from the time of its collection until the time of its delivery to the facility.

(Ord. 493, 3/4/2003, §9)

§210. Illegal Dumping and Open Burning.

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable materials except at a facility. Notwithstanding the foregoing, yard waste may be composted to the extent and in the manner provided in the municipality's policies and procedures on the property on which such yard waste was generated.

2. No person shall process or dispose of any designated recyclable materials through open burning.

(Ord. 493, 3/4/2003, §10)

§211. Collection Service Fees. Fees for services provided by the municipality shall be charged to all municipality customers. The amount of fees and the schedule for payment of fees shall be as adopted by resolution or ordinance from time to time by the municipality. (Ord. 493, 3/4/2003, §11)

§212. Scavenging. From the time of placement for collection at curbside of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator, the contractor or the permitted collector who has contracted to provide on-site collection, as provided in the municipal contract or collection permit. It shall be a violation of this Part for any person, other than the contractor or a permitted collector, to collect or pick up, or cause to be collected or picked up, any such designated recyclable materials. Each such collection shall constitute a separate and distinct offense. (Ord. 493, 3/4/2003, §12)

§213. Unauthorized Collection. It shall be a violation of this Part for any person, not permitted by the municipality, to collect or pick up, or cause to be collected or picked up, any regulated municipal waste within the municipality. Each such collection shall constitute a separate and distinct offense. (Ord. 493, 3/4/2003, §13)

§214. Existing Contracts.

1. Nothing in this Part shall be construed to impair the obligations of any existing contract.

2. No renewal or modification of any existing municipal contract, and no new contract for the storage, on-site collection, processing or disposal of regulated municipal waste or designated recyclable materials, shall be entered into after the effective date of this Part unless such renewal or modification or new contract shall conform to the requirements of this Part and the municipality's policies and procedures.

3. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Part shall provide for on-site collection services to be performed after the commencement date for municipal contract waste or designated recyclable materials generated by any municipal customer. This provision shall not apply to the municipal contract between the municipality and the contractor. With respect to any contract which violates this subsection, such contract shall be deemed void and the hauler that is a party to such contract (A) shall reimburse to the applicable municipal customer any funds which have been paid for such collection services and (B) shall not collect or attempt to collect any funds for such collection services.

(Ord. 493, 3/4/2003, §14)

§215. Authorization of Municipality. The municipality shall have the power to issue the municipality's policies and procedures governing all matters set forth in this Part and any other related matters be necessary or convenient by the municipality. The municipality's policies and procedures shall be effective when issued in writing and signed by the [manager] of the municipality. The municipality shall have the power to establish service fees, record and reporting requirements, and standards and procedures for the

issuance, administration and revocation of licenses, as deemed necessary, including without limitation, (A) application procedures, fees, standards and conditions for licenses, (B) the fixing of a monetary bond, with or without surety, to secure the compliance by any permitted collector with any such requirements, standards or procedures, and (C) any other matters deemed necessary or convenient by the municipality. In the event of suspension or revocation of any license which is issued by the municipality or LCSWMA, the person whose license is suspended or revoked shall refund to each customer any prepaid fees. (Ord. 493, 3/4/2003, §15)

§216. Unlawful Activity. It shall be unlawful for any person to violate, or cause or permit or assist in the violation of, any provision of this Part or any provision of the municipality's policies and procedures. All unlawful conduct shall also constitute a public nuisance. (Ord. 493, 3/4/2003, §16)

§217. Penalty. Any person violating any provision of this Part or any provision of the municipality's policies and procedures shall, upon conviction thereof in a summary proceeding, be liable to pay a fine or penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), which fines and penalties may be collected as provided by law. Each violation of any provision of this Part or of any provision of the municipality's policies and procedures, and each day that such a violation continues, shall constitute a separate violation and offense. (Ord. 493, 3/4/2003, §17)

§218. Persons Liable. For purposes of the obligations established by this Part or the municipality's policies and procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms Person, municipal customer, other customer, residential unit, multi-family unit and non-residential unit shall (A) include officers, directors and partners of any corporation or partnership or other legal entity having officers, directors or partners and (B) refer to, and impose joint and several liability upon, both (1) the Persons residing in or occupying any such residential, multi-family or non-residential units and (2) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises. (Ord. 493, 3/4/2003, §18)

§219. Injunctive Relief. In addition to any other remedy provided in this Part, the municipality may institute proceedings to restrain any violation of, or to require compliance with, this Part and/or the municipality's policies and procedures. (Ord. 493, 3/4/2003, §19)

§220. Concurrent Remedies. The penalties and remedies set forth in this Part are in addition to, not in lieu of, any fines, penalties or remedies provided in the municipality's policies and procedures. The existence or exercise of any remedy shall not prevent the municipality from exercising any other remedy provided under this Part or the municipality's policies and procedures, or available at law or equity including the filing of a lien for the nonpayment of service fees. (Ord. 493, 3/4/2003, §20)



## MONTHLY MUNICIPAL REPORT

Month of \_\_\_\_\_, 20\_\_\_\_

1. Name of Municipality: Borough of New Holland

2. Name of Contractor: \_\_\_\_\_

3. Recyclable Materials Information

Clear Glass	_____ lbs.
Colored Glass	_____ lbs.
Aluminum	_____ lbs.
Steel Cans	_____ lbs.
Plastics	_____ lbs.
Commingled (Bottles, Cans, & Plastics)	_____ lbs.
Newsprint	_____ lbs.
Single Stream (Commingled & News.)	_____ lbs.
Yard Waste	_____ lbs.
Tires	_____ lbs.
White Goods	_____ lbs.
Christmas Trees	_____ lbs.
Other _____	_____ lbs.
	_____ Total Pounds Recycled
	_____ Equivalent Tons (+ by 2000)

4. Municipal Contract Waste Collection Information

\_\_\_\_\_ Tons of Refuse Collected (Refuse + Oversized Refuse Items)

Attached are all weight receipts to verify the amounts collected.

I, the undersigned, hereby certify that all the information on this Monthly Municipal Report is accurate to the best of my knowledge.

\_\_\_\_\_  
(Print Contractor Name)

By:

\_\_\_\_\_  
Type or Print Name of  
Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## **POLICIES AND PROCEDURES**

### **1. General Requirements for Placement and Collection of Regulated Municipal Waste and Designated Recyclable Materials**

a. All persons who own or occupy Residential Units, Multi-Family Units or Non-Residential Units shall comply with the following requirements:

(i) No Regulated Municipal Waste or Designated Recyclable Materials shall be placed at Curbside for collection more than twenty-four (24) hours in advance of the scheduled time for collection. Refuse Containers must be picked up no more than 12 hours after collection.

(ii) Regulated Municipal Waste or Designated Recyclable Materials from Residential Units shall not be stored at Curbside prior to collection. Regulated Municipal Waste or Designated Recyclable Materials shall be stored in containers which shall prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.

(iii) Regulated Municipal Waste and Designated Recyclable Materials from Multi-Family Units and Non-Residential Units may be placed in bulk containers of suitable size, shape and material so as to prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.

b. All Permitted Collectors shall insure that collection of Regulated Municipal Waste and Designated Recyclable Materials shall comply with the following requirements:

(i) Regulated Municipal Waste and Designated Recyclable Materials from Residential Units shall be collected on the same day, and collection shall be made a minimum of once a week.

(ii) On-site Collection from Residential Units shall occur on weekdays between the hours of 5:00 A.M. and 6:00 P.M., prevailing time. Notwithstanding the foregoing, Saturday collection will be permitted if a holiday has occurred in the week preceding the Saturday on which collection is to be made or if a holiday will occur on the Monday or Tuesday of the week following the Saturday collection. Saturday collections due to holidays may begin at 12:00 midnight.

(iii) No Regulated Municipal Waste or Designated Recyclable Materials shall be blown, scattered or deposited upon the ground in the process of collection.

(iv) All Battery Bags placed at Curbside by Residential Units collected by a Permitted Collector shall be delivered separately to a LCSWMA Facility battery drop-off location.

2. **Collection Service Fee Schedule For Municipal Contract Collection Program:**

The Collection Service Fees shall be as approved by Borough Council.

3. **Approval Process to Request Waiver of Section 9 (c) - Requirement to Utilize the Services of the Municipal Contractor or Permitted Collector:**

Any Person requesting approval to deliver Regulated Municipal Waste generated at such Person's residence or Farm shall provide the following proof to the Municipality that the Regulated Municipal Waste is delivered to a LCSWMA Facility in a manner that is safe, sanitary, and environmentally sound.

- a. LCSWMA Weight Tickets verifying delivery of Waste to a LCSWMA Facility on no less than a frequency of once per month.
- b. LCSWMA Weight Tickets or other proof verifying delivery of Designated Recyclable Materials to a Facility.
- c. Provide written explanation of how Waste and Designated Recyclable Materials are stored on-site and delivered to a LCSWMA or other Facility.

4. **Backyard Composting:**

Residential Units may compost Yard Wastes which are generated at said Residential Unit according to the following guidelines:

- a. Backyard Composting must be done in strict compliance of accepted standards and guidelines the Penn State Cooperative Extension Service, PA Department of Environmental Protection, and/or the Lancaster County Solid Waste Management Authority (LCSWMA).
- b. Composting must be done within an enclosed structure that controls access to animals and vectors.
- c. Only Yard Wastes or other vegetative matter may be composted. No meat or Putrescible Waste may be composted.

- d. Compost must be turned and mixed on a regular basis to prevent odors, attraction of vectors and to ensure degradation of materials being composted.
- e. Backyard composters must be placed no less than one (1) foot from any property line.

5. **Appeal Process of Suspensions and Revocations of Collection Permits:**

- a. Appeal Fee is \_\_\_\_\_.
- b. Appeals must be submitted to the Municipal Secretary within ten (10) days of Collection Permit denial or suspension/revocation.
- c. Appeals Committee shall be appointed by the Elected Body of the Municipality and shall be comprised of three (3) persons.

d. Appeals Committee shall render a written decision within ten (10) days of the date the Appeal is heard. Appellant has the right to appear before the Appeals Committee.

6. **Collection Permits:**

- a. Collection Permit Fees - N/A
- b. Collection Equipment Stickers - N/A

## PERMITTED COLLECTOR AGREEMENT

THIS AGREEMENT is entered into between the **BOROUGH OF NEW HOLLAND**, 436 E. Main Street, New Holland, PA 17557("Municipality") and \_\_\_\_\_  
\_\_\_\_\_, ("Permitted Collector").

**WHEREAS**, the Municipal Waste Plan, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 ("Act 101") requires Municipality to institute a system for the source separation, on-site collection, and marketing of recyclable materials; and

**WHEREAS**, Act 101 authorizes Municipality to do so by means of an ordinance regulating certain activities of solid waste collectors doing business within Municipality; and

**WHEREAS**, Municipality having deemed it to be in the public interest to do so, has enacted such an ordinance which, inter alia, provides for mandatory recycling of Designated Recyclable Materials, Ordinance \_\_\_\_\_, (the "Ordinance"); and

**WHEREAS**, Municipality will seek to implement the Ordinance inter alia through registration of collectors and the execution of Permitted Collector Agreements by collectors; and

**WHEREAS**, Permitted Collector desires to engage in the on-site collection of solid waste within Municipality and deems it in its best interest to enter into such a Permitted Collector Agreement;

**NOW, THEREFORE**, Municipality and Permitted Collector, intending to be legally bound, agree as follows:

1. Defined Terms. Each capitalized term not defined in this License Agreement shall have the meaning set forth in the Ordinance.

2. Permit. Pursuant to the Ordinance and subject to the provisions of this Agreement, Municipality grants approval to the Permitted Collector, for a term ending \_\_\_\_\_, to collect Regulated Municipal Waste and Designated Recyclable Materials during the term, in accordance with the provisions of this Agreement.

3. Conditions. Permitted Collector shall at all times during the term of this Agreement:

(a) maintain a valid license issued by Lancaster County Solid Waste Management Authority ("LCSWMA"); and Pennsylvania Waste Transportation Safety Act, if applicable;

(b) comply fully with all rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA, and all Municipality Ordinances and the Municipality Policies and Procedures;

(c) perform in good faith all the covenants of any agreements that a Permitted Collector enters into with Customers located within the Municipality; and

(d) comply fully with the Ordinance.

\* 4. Security. Permitted Collector shall provide security in an amount equal to the number of Residential Units and Multi-Family Units serviced by the Permitted Collector, multiplied times the per unit cost paid by the Municipality to the Contractor as that terms is defined in the Ordinance. Such security shall be in the form of a Performance Bond with Surety, Irrevocable Letter of Credit for the benefit of Municipality, or certified check. Such security shall be for the purpose of insuring compliance by the Permitted Collector with the terms and conditions of this Ordinance, and to provide funds for payment of alternative service in the event of any breach by the Permitted Collector in the performance of the terms hereof.

5. Units Serviced.

(a) Residential Units: Permitted Collector services \_\_\_\_\_ number of Residential Units in the Municipality and verifies by its signature on this Agreement that such information is true and correct to the best of its belief and information.

(b) Multi-Family Units: Permitted Collector services \_\_\_\_\_ number of Multi-Family Units in the Municipality.

6. Revocation. Upon the violation by Permitted Collector of any provision of this Agreement, the Ordinance, LCSWMA rules and regulations, or any applicable State or Federal Law, or regulation, or local governmental ordinance, Municipality may suspend Permitted Collector's ability to collect solid waste for any period of time as deemed appropriate by Municipality, or prohibit Permitted Collector from operating in the Municipality.

7. Indemnity. Permitted Collector shall indemnify and hold harmless Municipality from all claims, costs and expenses including Municipality's reasonable counsel fees, arising by reason of or relating to Permitted Collector's failure or refusal to perform all Permitted Collector's obligations under this Agreement and the Ordinance.

**Attest:**

**BOROUGH OF NEW HOLLAND**

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Council President

\_\_\_\_\_  
(Name of Permitted Collector)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Permitted Collector Representative)

Name: \_\_\_\_\_  
(Print Name of Permitted Collector Representative)

Title: \_\_\_\_\_  
(Title of Permitted Collector Representative)



## Part 3

## Collection

§301. Definitions. Any capitalized term, if not defined in this Part, shall have the meaning as from time to time set forth in the LCSWMA rules and Regulations. In addition, as used in this Part, the following terms shall have the following meanings:

ACT 97 - the Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97, as now or hereafter amended, 35 P.S. §6018.101 et seq.

ACT 101 - the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, as now or hereafter amended, 53 P.S. §4000.101 et seq.

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

COMMENCEMENT DATE - January 1, 1999, the date upon which the Municipal Contract collection services begin.

COMMINGLED - Recyclable Materials (1) which have been segregated from Regulated Municipal Waste, but which have not been separated into different types of Recyclable Materials and (2) which have been placed in a Recycling Container for the purpose of collection.

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

CONTRACT - the agreement between the Municipality and a Licensed Hauler under which collection services are to be provided to Residential Units for Contract Waste and for Recyclable Materials.

CONTRACT WASTE - those portions of Regulated Municipal Waste which are to be collected and disposed of under the Contract. Contract Waste consists exclusively of Refuse and Oversized Refuse Items.

CONTRACTOR - the Person providing Contract Waste and Recyclable Materials collection services under the Contract.

COUNTY - the County of Lancaster, Pennsylvania.

CURBSIDE - the correct location for the placement of Refuse Containers and Recycling Containers for the purpose of collection by the Contractor, which shall be (1) adjacent to the Residential Unit and (2) no more than five (5) feet from the public street used by collection Vehicles.

CUSTOMER - there are two (2) types of customers in the Municipality's Program for the collection of Regulated Municipal Waste and Designated Recyclable Materials. The two (2) types are defined as follows:

CUSTOMER, MUNICIPAL - a Residential Unit that elects to receive the collection services for Contract Waste and Designated Recyclable Materials under the Contract.

CUSTOMER, OTHER - a Residential Unit that elects not to receive the Collection services under the Contract and that independently contracts with a Licensed Hauler for the collection of regulated Municipal Waste and Designated Recyclable Materials.

DESIGNATED RECYCLABLE MATERIALS - those Source Separated Recyclable Materials designated in §306 of this Part.

EXISTING CONTRACT - any contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Recyclable Materials generated or located within the Municipality which (1) was legally entered into prior to the effective date of this Part and (2) when entered into was legally enforceable.

EXTRA SERVICE TAG - a label which shall be affixed to Tires, White Goods, Oversized Refuse Items, Yard Waste and Extra Refuse Containers in order for such items to be collected by the Contractor.

FACILITY - any specific site or Person designated by LCSWMA as the specific place or site or Person to which Solid Waste or Source Separated Recyclable Materials, or any portion of Solid Waste or Source Separated Recyclable Materials, shall or may be delivered; or in the absence of a specific site or Person being designated by LCSWMA, any approved site for the delivery of any category of Solid Waste or Source Separated Recyclable Materials. A site will be deemed to be an approved site for the purposes of this definition so long as that site (1) is in possession of all applicable local, State and Federal permits, (2) is operating in accordance with all applicable local, State and Federal laws and regulations and (3) provides LCSWMA with such data and information as LCSWMA requests, including without limitation: (a) the quantity, type, source and date of receipt of Solid Waste and Source Separated Recyclable Materials that were generated in Lancaster County and delivered to the site, (b) proof that the site is in compliance with (1) and (2) above and (c) in the case of Source Separated Recyclable Materials, proof that all such materials received at the site are, in fact, recycled.

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

GLASS, CLEAR - Clear Glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica or sand containing soda or lime and/or

other chemicals and substances usually included in the manufacture of glass.

GLASS, COLORED - Colored Glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance by fusion of silica and silicates or sand containing soda or lime and/or other chemicals and substances usually included in the manufacture of glass.

LCSWMA - Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the Municipality Authorities Act of 1945, as amended.

LCSWMA FACILITY - any Facility owned or operated by or on behalf of LCSWMA.

LICENSED HAULER - a Person who is in possession of all pertinent permits and licenses which may be required by the Municipality and LCSWMA, for the collection, transportation, storage or disposal of Solid Waste or Recyclable Materials.

MULTIFAMILY UNIT - a property with four (4) or more Residential Units including, without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

MUNICIPALITY - Borough of New Holland.

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

NONPROCESSIBLE WASTE - large items of Solid Waste, including but not limited to furniture, large automobile parts, trees, branches and stumps.

NONRESIDENTIAL UNITS - all commercial, municipal and institutional establishments, all Community Activities and all Farms, excluding Residential Units and Multifamily Units.

OVERSIZED REFUSE ITEMS - refuse which will not fit into Refuse Containers but which is not Nonprocessible Refuse, including small furniture, carpet, portable televisions and the like, but excluding Tires and White Goods.

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

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

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

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

RECYCLING CONTAINER - for Residential Units, the term Recycling Container shall refer to the container supplied by the Municipality. For Multifamily Units and Nonresidential Units, the term Recycling Container shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting.

REFUSE - all Regulated Municipal Waste except the following categories of Solid Waste: (1) Construction/Demolition Waste, (2) Nonprocessable Refuse, (3) Putrescible Waste, (4) Uncompactable Waste, (5) Special Handling Waste, (6) Source Separated Recyclable Materials, (7) Unacceptable Waste and (9) Oversized Refuse Items.

REFUSE CONTAINER - a receptacle which is (1) constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors or (2) a polyethylene bag which (a) is specifically designed for storage and collection, (b) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (c) has a holding strength capable of withstanding normal stresses until it is collected. With respect to Residential Units, the weight of a Refuse Container and its contents shall not exceed thirty (30) pounds nor shall its capacity exceed thirty (32) gallons.

REFUSE CONTAINERS - Refuse Containers which are in excess of the three (3) Refuse Containers per Collection Site limit.

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

RESIDENTIAL UNIT - any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a multifamily building containing three (3) or fewer dwelling units, excluding Farms. When used in this Part or the Municipality's policies and procedures, the term "Residential Unit" shall also refer to any Multifamily Unit or Nonresidential Unit that requests and receives approval from the Municipality to use the collection services provided under the Contract.

SCAVENGING - the uncontrolled or unauthorized removal of Recyclable Materials from the Curbside.

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

STEEL and BIMETALLIC CANS - the ferrous metal food or beverage containers commonly known as tin cans.

WHITE GOODS - large appliances weighing more than fifty (50) pounds, including clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electric heaters.

YARD WASTE - all garden residues, grass clippings, eaves and sod.

(Ord. 458, 11/3/1998, §1)

§302. Mandatory Recycling. All Residential Units and Multifamily Units within the Municipality shall Source Separate Designated Recyclable Materials. (Ord. 458, 11/3/1998, §2)

§303. Collection, Transportation and Disposal. Each Person who owns or occupies a Residential Unit or Multifamily Unit within the Municipality shall ensure that Regulated Municipal Waste and Designated Recyclable Material generated at such Residential Unit or Multifamily Unit are (A) Source Separated and (B) collected, transported and disposed of in accordance with this Part, the Municipality's policies and procedures and LCSWMA rules and regulations. (Ord. 458, 11/3/1998, §3)

§304. Residential Units.

1. Election. Each Residential Unit shall have one opportunity prior to the Commencement Date to elect not to receive collection services under the Contract. Persons who first occupy a Residential Unit after the Commencement Date shall have thirty (30) days to elect whether to receive collection services under the Contract after notification from the Municipality of the Contract and its terms. Residential Units electing to receive such services shall be governed by the rules of §304(2). Residential Units electing not to receive such services shall be governed by §304(3).

2. Residential Units Electing to Receive Contract Services (Municipal Customers). Collection Services for Contract Waste and Designated Recyclable Materials shall be provided to Municipal Customers by the Contractor. Municipal Customers shall not, during the term of the Contract, enter into any independent agreement with any haulers for the collection of Contract Waste or Designated Recyclable Materials.

A. Each Municipal Customer shall prepare Designated Recyclable Materials and contract waste for collection in accordance with the Municipality's policies and procedures. Refuse Containers shall be placed at Curbside in a manner such that the Refuse Containers shall not spill, tip or otherwise deposit Refuse on the street or ground. Extra

Refuse Containers shall be marked with an Extra Service Tag in accordance with the Municipality's policies and procedures.

B. Municipal Customers shall insure proper collection, transportation and disposal of Regulated Municipal Waste which is not Contract Waste by either (1) themselves transporting such materials to a Facility or (2) utilizing a Licensed Hauler to collect and transport such materials to a Facility.

3. Residential Units Electing Not to Receive Contract Services (Other Customers). Other Customers shall provide proper collection, transportation and disposal of Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Units by utilizing a Licensed Hauler to collect and transport such materials to a Facility, except as provided in §309 herein. Refuse Containers shall be placed for collection by Licensed Haulers in a manner such that the Refuse Containers shall not spill, tip or otherwise deposit Refuse on the street or ground.

4. Upon request by Municipality, any Other Customer shall provide Municipality with the name of the Licensed Hauler providing collection services to the Other Customer.

(Ord. 458, 11/3/1998, §4)

§305. Multifamily Units.

1. Each Person who owns or occupies a Multifamily Unit shall provide proper collection, transportation and disposal for Regulated Municipal Waste and Designated Recyclable Materials by utilizing a Licensed Hauler to collect and transport such materials to a Facility. With respect to Contract Waste and Designated Recyclable Materials, a Person who owns or occupies a Multifamily Unit may request Municipality approval to receive the services under the Contract.

2. Each Person who owns or occupies a Multifamily Unit approved to receive services under the Contract shall comply with the Municipality's policies and procedures established for Residential Units and, notwithstanding the provisions of §306(2) of this Part, shall Source Separate the Recyclable Materials designated in §306(1).

3. Each Person who owns a Multifamily Unit that does not receive services under the Contract shall:

A. Provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials.

B. Provide written instructions to all Persons occupying each Multifamily Unit to ensure that all Designated Recyclable Materials are Source Separated.

C. Provide collection and transportation of Source Separate Recyclable Materials at a frequency of not less than once per month.

D. Upon request by the Municipality provide the Municipality with the name of the Licensed Hauler utilized by the owner, or if each occupant of such Multifamily Unit separately contracts for collection, the name of the Licensed Hauler utilized by each occupant.

4. Each Person who owns or occupies a Multifamily Unit shall Source Separate and prepare leaves for collection in accordance with the Municipality's policies and procedures.

(Ord. 458, 11/3/1998, §5)

§306. Designated Recyclable Materials.

1. Each Person who owns or occupies a Residential Unit shall Source Separate the following Recyclable Materials: (A) Clear Glass, (B) Colored Glass, (C) Aluminum, (D) Steel and Bimetallic Cans, (E) Plastic, (F) Newsprint, (G) Yard Waste, (H) Tires and (I) White Goods.

2. Each Person who owns or occupies a Multifamily Unit shall Source Separate the following Recyclable Materials: (A) Clear Glass, (B) Colored Glass, (C) Aluminum, (D) Steel and Bimetallic Cans, (E) Plastic, (F) Yard Waste, (G) Tires and (H) White Goods.

(Ord. 458, 11/3/1998, §6)

§307. General Regulations for Placement and Collection of Regulated Municipal Waste and Designated Recyclable Materials.

1. All persons who own or occupy Residential Units or Multifamily Units shall comply with the following requirements:

A. No Regulated Municipal Waste or Source Separated Recyclable materials shall be placed at curbside for collection more than twenty-four (24) hours in advance of the scheduled time for collection.

B. Regulated Municipal Waste or Source Separated Recyclable Materials from Residential Units shall not be stored at Curbside prior to collection. Regulated Municipal Waste or Source Separated Recyclable Materials shall be stored in containers which shall prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.

C. Regulated Municipal Waste and Source Separated Materials from Multifamily Units may be placed in bulk containers of suitable size, shape and material so as to prohibit the contents from being scattered by wind and rain and shall prohibit accessibility by rodents or other vermin.

2. All Licensed Haulers shall insure that collection of Regulated Municipal Waste and Source Separated Recyclable Materials shall comply with the following requirements:

A. Regulated Municipal Waste and Source Separated Recyclable Materials, except Yard Waste, Tires and White Goods, shall be collected

on the same day from Residential Units, and collection shall be made a minimum of once per week.

B. Collection from Residential Units shall occur on weekdays between the hours of 5:00 a.m. and 6:00 p.m., prevailing time. Notwithstanding the foregoing, Saturday collection will be permitted for a rescheduled holiday collection.

C. No Regulated Municipal Waste or Source Separated Recyclable Materials shall be blown, scattered or deposited upon the ground in the process of collection or transportation.

(Ord. 458, 11/3/1998, §7)

§308. Licensing of Haulers.

1. All persons who desire to collect, transport, store process or dispose of Regulated Municipal Waste or Designated Recyclable Materials within the Municipality shall obtain a license from the Municipality prior to performance of any such activities.

2. Every person desiring a license under this Part shall make application to the Municipality. Such application shall include the name and address of the person making application, proof of a valid license issued by LCSWMA, identification of other municipalities which have licensed that person, and whether any licenses have been revoked by LCSWMA or any other municipality which requires licensing of haulers. All applications shall be accompanied by the annual license fee set by ordinance or resolution.

3. Applicants for a license to operate as a Licensed Hauler within the Municipality shall demonstrate that:

A. A valid license has been issued by LCSWMA to the applicant.

B. Applicant's operation is in conformity in all respects with the rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA and all Municipality ordinances and the Municipality policies and procedures.

C. Solid Waste and Designated Recyclable Materials shall be suitably enclosed or covered in all vehicles to be used so as to prevent roadside littering, attraction of vectors or the creation of other nuisances.

D. All disposal of Solid Waste other than Designated Recyclable Materials shall be at a Facility.

E. All Designated Recyclable Materials shall be recycled and shall not be disposed of as Waste.

F. Liability and workers' compensation insurance has been obtained for the applicant's proposed operation in the Municipality. A certificate of insurance demonstrating workers' compensation coverage at statutory limits and liability insurance, with limits of at least

4500,000/\$1,000,000 for bodily injury and \$100,000 for property damage shall be provided.

G. All vehicles to be used have been properly licensed and inspected, and all drivers have valid operator's licenses for the class of vehicle operated by the driver.

4. All licenses shall be issued for a period of one (1) year.

5. Licenses may be suspended or revoked by the Municipality at any time for just cause. Just cause shall include, but not be limited to, where the Licensed Hauler:

A. Fails to maintain a valid license issued by LCSWMA.

B. Violates any of the provisions of this Part or the Municipality's policies and procedures.

C. Improperly disposes of Designated Recyclable Materials or Solid Waste.

D. Scavenges.

E. Fails to perform in good faith all the covenants of any agreement entered into with Municipal Customers or Other Customers.

6. Any person who has been denied a license or whose license has been suspended or revoked may appeal the denial, suspension or revocation to the Municipality. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the Secretary of the Borough of New Holland. The appellant or his representative shall have the right to appeal and be heard, if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the Municipality, and no appeal shall be considered complete without the payment of the appeal fee. A prompt decision on such appeal shall be made by the Municipality.

7. Licenses are not transferrable to any other person.

(Ord. 458, 11/3/1998, §8)

§309. Approved Haulers.

1. With respect to Contract Waste and Designated Recyclable Materials generated by Municipal Customers, no Person other than the Contractor shall collect, transport, store, process or dispose of such Waste. With respect to Regulated Municipal Waste other than Contract Waste which is generated by Municipal Customers and Regulated Municipal Waste or Designated Recyclable Materials which are generated by Other Customers or Multifamily Units, no Person other than a Licensed Hauler shall collect, transport, store, process or dispose of such Waste. Notwithstanding the foregoing, Municipal Customers who generate Waste other than Contract Waste and Other Customers may transport Regulated Municipal Waste or Designated Recyclable Materials

generated by the Municipal Customer or Other Customer directly to a LCSWMA Facility. Each Licensed Hauler that collects or transports Regulated Municipal Waste or Designated Recyclable Materials generated in any Residential Unit or Multifamily Unit shall submit to the Municipality, on forms provided by the Municipality, monthly reports concerning the sources, types, weight, etc., of materials collected.

2. No Person who generates, owns or possesses Designated Recyclable Materials or Regulated Municipal Waste shall, by Contract for Collection Services or otherwise, cause, permit or assist in the collection, transportation, storage, processing or disposal of such Waste by any Person other than:

A. The Contractor with respect to Contract Waste or Designated Recyclable Materials generated by Municipal Customers.

B. A Licensed Hauler with respect to Regulated Municipal Waste other than Contract Waste generated by Municipal Customers, and Regulated Municipal Waste or Designated Recyclable Materials generated by Other Customers and Multifamily Units.

3. Notwithstanding the provisions of §305(2), §305(3), §309(1) and §309(2) above, any Person who occupies a Residential Unit may request Municipality approval to transport to a LCSWMA Facility the Regulated Municipal Waste which was generated at such Person's residence. Approval of any such request for an exception to the requirement of using a Licensed Hauler shall be within the sole discretion of the Municipality and in any event shall not be granted absent a showing by such Person that such Regulated Municipal Waste shall be transported in a manner that is safe, sanitary and environmentally sound.

4. Each Licensed Hauler that collects or transports Regulated Municipal Waste or Designated Recyclable Materials generated in any Residential Unit shall submit to the Municipality, on forms provided by the Municipality, reports concerning the sources, types, weight, etc. of the materials collected, and shall comply with the LCSWMA rules and regulations concerning the use of the LCSWMA Manifest. All such reports shall be provided to the Municipality monthly, no later than the fifteenth (15th) day of the month following the month in which the Regulated Municipal Waste or Designated Recyclable Materials were collected.

5. Each Licensed Hauler who provides regularly scheduled service for the Collection of Regulated Municipal Waste from any Other Customer shall also collect Designated Recyclable Materials from such Other Customer. Each such Licensed Hauler shall establish, and shall notify each Other Customer of, procedures and collection schedules for the Source Separation, Segregation and packaging of Regulated Municipal Waste and Designated Recyclable Materials. Such procedure shall permit commingling of all Aluminum, Clear Glass, Colored Glass, Steel and Bimetallic Cans and Plastics in a single Recycling Container. Each such Licensed Hauler shall schedule collections for Yard Waste, Tires and White Goods at least twice annually and shall give each Other Customer at least thirty (30) days advance notice of the schedule for such collections. Newsprint shall either be bagged or bundled in accordance with instructions from the Licensed Hauler to each Other Customer.

6. Recycling Containers for Residential Units shall be provided by the Municipality which shall retain title to all such Recycling Containers. The Contractor and Licensed Haulers shall distribute Recycling Containers to all of their Residential Unit Customers in accordance with guidelines established by the Municipality.

7. Each Licensed Hauler shall give written notice to each Customer of such Licensed Hauler's obligations under this Part and particularly the requirement to offer collection services for Designated Recyclable Materials.

8. No Licensed Hauler who collects, transports or disposes of Designated Recyclable Materials or Regulated Municipal Waste shall, by Contract for such services or otherwise, cause, permit or assist in the storage, collection, transportation, processing or disposal of Designated Recyclable Materials in a manner which treats such materials as Regulated Municipal Waste, or which is otherwise inconsistent with Source Separation or Recycling. Any delivery of Designated Recyclable Materials to a LCSWMA Facility in accordance with the LCSWMA rules and regulations shall be deemed to satisfy the requirements of this §309(8).

9. All Regulated Municipal Waste and Designated Recyclable Materials generated or collected in the Municipality shall be transported directly to a Facility in accordance with the LCSWMA rules and regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging or reuse of any portion of any load of such Regulated Municipal Waste and Designated Recyclable Materials from the time of its collection until the time of its delivery to the Facility.

(Ord. 458, 11/3/1998, §9)

§310. Collection Service Fees. Fees for services provided by the Municipality shall be charged to all Municipal Customers. The amount of fees and the schedule for payment of fees shall be as adopted by resolution or ordinance from time to time by the Municipality. (Ord. 458, 11/3/1998, §10)

§311. Scavenging. From the time of placement for collection at Curbside of any Designated Recyclable Materials, all such Designated Recyclable Materials shall be the property of the generator, the Contractor or the Licensed Hauler who has contracted to provide collection, as provided in the Contract. It shall be a violation of this Part for any Person, other than the Customer or a Licensed Hauler, to collect or pick up, or cause to be collected or picked up, any such Designated Recyclable Materials. Each such collection shall constitute a separate and distinct offense. (Ord. 458, 11/3/1998, §11)

§312. Unauthorized Collection. It shall be a violation of this Part for any Person, unlicensed by the Municipality, to collect or pick up, or cause to be collected or picked up, any Solid Waste within the Municipality. Each such collection shall constitute a separate and distinct offense. (Ord. 458, 11/3/1998, §12)

§313. Existing Contracts.

1. Nothing in this Part shall be construed to impair the obligations of any Existing Contract.

2. Except for Other Customers filing an election under §304 of this Part, no renewal or modification of any Existing Contract, and no new contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials, shall be entered into after the effective date of this Part unless such renewal or modification or new contract shall conform to the requirements of this Part and the Municipality's policies and procedures.

3. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Part shall provide for collection services to be performed after the Commencement Date for Contract Waste or Designated Recyclable Materials generated by any Municipal Customer. This provision shall not apply to the Contract between the Municipality and the Contractor. With respect to any contract which violates this §313(3), such contract shall be deemed void and the hauler that is a party to such contract (1) shall reimburse to the applicable Municipal Customer any funds which have been paid for such collection services and (2) shall not collect or attempt to collect any funds for such collection services.

(Ord. 458, 11/3/1998, §13)

§314. Authorization of Municipality. The Municipality shall have the power to establish service fees, record and reporting requirements and standards and procedures for the issuance, administration and revocation of licenses, as deemed necessary including, without limitation, (A) application procedures, fees, standards and conditions for licenses, (B) the fixing of a monetary bond, with or without surety, to secure the compliance by any Licensed Hauler with any such requirements, standards or procedures and (C) any other matters deemed necessary or convenient by the Municipality. In the event of suspension or revocation of any license which is issued by the Municipality or LCSWMA, the Person whose license is suspended or revoked shall refund to each customer any prepaid fees. (Ord. 458, 11/3/1998, §14)

§315. Unlawful Activity. No Person shall dispose of any Regulated Municipal Waste or Designated Recyclable Materials except as provided for under this Part. No Person shall dispose of any Regulated Municipal Waste or Designated Recyclable Materials by depositing the same in any container of any other Person, nor place the same for collection with such materials from any other Person. No Person shall store, process or dispose of any Regulated Municipal Waste or Designated Recyclable Materials except at a Facility. Notwithstanding the foregoing, Yard Waste may be composted (in accordance with Municipality's guidelines) on the property on which such Waste was generated or on other property licensed by the Municipality. It shall be unlawful for any Person to violated, or cause to permit or assist in the violation of, any provision of this Part or any provision of the Municipality's policies and procedures. All unlawful conduct shall also constitute a public nuisance. (Ord. 458, 11/3/1998, §15)

§316. Penalty. Any Person violating any provision of this Part or any provision of the Municipality's policies and procedures shall, upon conviction thereof in a summary proceeding, be liable to pay a fine or

penalty of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars, which fines and penalties may be collected as provided by law. Each violation of any provision of this part or of any provision of the Municipality's policies and procedures, and each day that such a violation continues shall constitute a separate violation and offense. (Ord. 458, 11/3/1998, §16)

§317. Persons Liable. For purposes of the obligations established by this Part or the Municipality's policies and procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "Person," "Municipal Customer," "Other Customer," "Residential Unit" and "Multifamily Unit" shall (A) include officers, directors and partners of any corporation and partnership or other legal entity having officers, directors or partners and (B) refer to, and impose joint and several liability upon, both (1) the persons residing in or occupying any such Residential or Multifamily Unit and (2) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises. (Ord. 458, 11/3/1998, §17)

§318. Injunctive Relief. In addition to any other remedy provided in this Part, the Municipality may institute proceedings to restrain any violation of, or to require compliance with, this Part and/or the Municipality's policies and procedures. (Ord. 458, 11/3/1998, §18)

§319. Concurrent Remedies. The penalties and remedies set forth in this Part are in addition to, not in lieu of, any fines, penalties or remedies provided in the Municipality's policies and procedures. The existence or exercise of any remedy shall not prevent the Municipality from exercising any other remedy provided under this Part or the Municipality's policies and procedures, or available at law or equity including the filing of a lien for the nonpayment of service fees. (Ord. 458, 11/3/1998, §19)

