

CHAPTER 119

SOLID WASTE

ARTICLE I

Recycling

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| § 119-1. Scope. | § 119-13. Required collection and hours of collection. |
| § 119-2. Purpose. | § 119-14. Transportation of municipal waste. |
| § 119-3. Definitions. | § 119-15. Public litter baskets. |
| § 119-4. Dumping/litter regulations. | § 119-16. Authorizations of collectors. |
| § 119-5. Separation of recyclables. | § 119-17. Responsibilities of registered haulers. |
| § 119-6. Residential recyclables (other than multifamily dwellings). | § 119-18. Designation of recycling facility |
| § 119-7. Recyclables from multifamily dwellings. | § 119-19. Registered haulers not to accept unlawfully disposed of recyclables. |
| § 119-8. Recycling reports for multifamily dwellings. | § 119-20. Missed pickup. |
| § 119-9. Recycling reports. | § 119-21. Complaints. |
| § 119-10. Collection by unauthorized person. | § 119-22. Community oriented charitable activities. |
| § 119-11. Presumption of ownership of municipal waste and recyclables. | § 119-23. Bulk waste. |
| § 119-12. Preparation and storage of municipal waste. | § 119-24. Violation and penalty. |
| | § 119-25. Construal. |
| | § 119-26. Effective date. |

HISTORY: Adopted by the Board of Supervisors of the Township of Paradise as indicated in article histories. Amendments noted where applicable.

GENERAL REFERENCES

Littering -- See Ch. 74.

ARTICLE I

Recycling

**Adopted 11-4-1993 by Ord. No. 111 (Ch. 20,
Part 1, of the 1987 Code)**

§ 119-1. Scope.

This article shall provide a mandatory recycling program and govern all aspects of the collection, storage, transportation, processing and disposal of municipal solid waste in Paradise Township. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal and institutional establishments and community activities.

CHAPTER 119

SOLID WASTE

119-4

§ 119-2. Purpose.

The purpose of this article to establish a program for the mandatory source separation and separate collection of designated recyclable materials from residences and properties receiving municipal waste collection services from or on behalf of the Township of Paradise, for recycling purposes; to prohibit the disposal of designated recyclable materials into the conventional municipal waste disposal system; and to empower the township to promulgate and adopt reasonable rules and regulations therefor and to fix penalties for violation of this article.

§ 119-3. Definitions.¹

- A. Except as defined in this Code (see Chapter 1, General Provisions, Article II, Definitions), all words shall carry the customary meaning.
- B. In this article, unless the context clearly indicates otherwise, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and neuter.

§ 119-4. Dumping/litter regulations.

- A. It shall be unlawful for any person to store, dump, discard or deposit or to permit the storage, dumping, discarding or depositing of any municipal waste or recyclables upon the surface of the ground or underground within the township, except in proper containers for purposes of storage or collection. Where the waste or recyclables are of such size or shape as not to permit their being placed in an appropriate container, said items shall be appropriately placed for collection and disposal, and proper arrangements shall be made for the disposal of the same. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream or body of water or any public right-of-way within the township.
- B. Every owner of property or occupant thereof responsible for the day-to-day operation or maintenance of such property shall pick up and discard in any appropriate receptacle any municipal waste, recyclables or other debris deposited or accumulated on the owner's property. All owners or operators of commercial, institutional and municipal establishments in the township shall take all reasonable precautions to prevent the deposit and accumulation of debris in front of their premises, and in furtherance of that end, may place appropriate waste containers in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.

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

CHAPTER 119

SOLID WASTE

119-5

- C. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm produced agricultural waste, provided that such activities are conducted in accordance with all applicable laws, rules and regulations.
- D. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this article by the person on whose property the bulk container is located, if it is located on private property.

§ 119-5. Separation of recyclables.

Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions:

- A. Owners and occupants of all residential properties shall commingle the following recyclables:
 - (1) Clear glass containers.
 - (2) Brown glass containers.
 - (3) Green glass containers.
 - (4) Aluminum cans.
 - (5) Bimetal cans.
 - (6) Plastic containers.
 - (7) Newspapers shall be tied with twine or sting or bagged in a paper bag and placed with other recyclables.
- B. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall commingle the following recyclables:
 - (1) Clear glass containers.
 - (2) Brown glass containers.
 - (3) Green glass containers.
 - (4) Aluminum cans.

CHAPTER 119

SOLID WASTE

119-8

- (5) Corrugated paper and high-grade office paper shall be bundled, tied or baled and placed with recyclables.
- C. All recycled glass containers shall be kept intact and shall not be broken.
- D. From time to time the Township Supervisors may by resolution enumerate alternative recyclables which will be required to be separated from municipal waste and collected in accordance with this article.

§ 119-6. Residential recyclables (other than multifamily dwellings).²

- A. For residential properties other than multifamily dwellings, all recyclables which are required to be kept separate from municipal waste in residential properties shall be placed at curbside or at an appropriate location on the premises to be collected at times designated by the registered hauler or recyclable collection permittee. The frequency of such collection shall be not less than once per month.
- B. The recyclables are to be collected by a registered hauler once they are placed at curbside.

§ 119-7. Recyclables from multifamily dwellings.³

For multifamily dwellings, all recyclables which are required to be kept separate from municipal waste in residential properties shall be picked up by a recyclable collection permittee or a registered hauler separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection except as provided in § 119-22. Commercial, municipal and institutional establishments and community activities shall not place recyclables within the public right-of-way for curbside collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multifamily dwellings.

§ 119-8. Recycling reports for multifamily dwellings.

- A. The landlord of every multifamily dwelling shall complete a form, to be designated "Recycling Report - Multifamily Dwelling," to be provided by the township, which shall indicate where the dwelling's recyclables are delivered and by whom the recyclables are picked up.

²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 119

SOLID WASTE

119-12

- B. The recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted quarterly to the township. For purposes of submitting such weight slips and recycling reports quarterly to the township, the collector who removed the recyclables from the dwelling shall be the agent for the landlord and shall be responsible for completing and submitting such to the township. Each such quarterly report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis thus: January through March; April through June; July through September; and October through December.

§ 119-9. Recycling reports.

The authorized collector shall submit the recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken, which shall be submitted quarterly to the township. For purposes of submitting such weight slips and recycling reports quarterly to the township, the authorized collector who removed the recyclables from the property shall be agent for the operator of the establishment or sponsor of the activity and shall be responsible for completing and submitting such to the township. Each such quarterly recycling report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis, thus: January through March; April through June; July through September; and October through December.

§ 119-10. Collection by unauthorized person.

From the time of placement for collection of residentially generated recyclable items for collection in accordance with the terms of this article, the items shall be and become the property of the authorized collector. It shall be a violation of this article for any person unauthorized by the township to collect or pick up or cause to be collected or picked up any such items. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 119-11. Presumption of ownership of municipal waste and recyclables.

The presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption, for purposes of this article, that said municipal waste or recyclables are the property of the person whose name is found therein.

§ 119-12. Preparation and storage of municipal waste.

Any person accumulating or storing municipal waste on private or public property in the township for any purpose whatsoever shall place the same, or cause the same to be

CHAPTER 119

SOLID WASTE

119-14

placed, in sanitary closed or covered containers in accordance with the following standards:

- A. Containers used for storage of municipal waste shall be of metal, plastic or fiberglass construction, rust and corrosion resistant and equipped with lids and waterproof or equivalent.
- B. No person, except the occupants of the property on which a waste container is placed, a registered hauler or a duly authorized township representative, shall remove the lids of the container and/or remove the contents thereof.⁴

§ 119-13. Required collection and hours of collection.

- A. If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum of every 30 days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this article.
- B. No person other than a registered hauler shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the registered hauler who is to collect such waste.⁵
- C. Nothing herein shall limit the right of the township to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by laws.
- D. Nothing in this section shall modify the requirements in this article pertaining to separation and disposal of recyclables. Nothing in this section shall impair the ability of the township to provide a system of placement of removal and public collection of leaf waste or the township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

§ 119-14. Transportation of municipal waste.

⁴Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 119

SOLID WASTE

119-16

- A. Any person transporting municipal waste within the township shall prevent or remedy any spillage or leakage from vehicles or containers used in the transport of such municipal waste.
- B. All persons authorized to collect municipal waste shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.
- C. The transfer of waste from one collection vehicle to another may not take place in the township, except on private property in those areas of the township designated for such by the township, if any. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter or in any other manner constitute a nuisance, create a health hazard or violate any other ordinance of the township or provision of statutory law.

§ 119-15. Public litter baskets.⁶

The township is hereby authorized to collect municipal waste from township property, to provide public litter baskets on public areas in the township and to dispose of such waste in either a receptacle of a registered hauler or at designated disposal sites.

§ 119-16. Authorizations of collectors.⁷

- A. It shall be unlawful for any person, except for litter control, roadside cleanup and other persons duly authorized by the township, to collect and to transport municipal wastes of any nature or recyclables within or from the township. Authorization to collect, transport and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent may be given only by the township by registering or a recyclable collection permit.
- B. All registered haulers and recyclable collection permittees shall follow and conduct themselves in accordance with their current county license or permit and serve each of their customers in accordance with the requirements of this article, any failure of which shall be a violation of this article.
- C. All applications for such registrations or permits shall be evaluated and approved in accordance with the following criteria:

- (1) Hauler's registration.

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁷Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 119

SOLID WASTE

119-16

- (a) Haulers' registrations will be issued on a calendar-year basis.
- (b) Haulers' registrations will be issued to only those persons who comply with the provisions and intent of this article, who show evidence of a valid Monroe County license and who provide their name, address and telephone number.
- (c) The township may deny a hauler's registration for any of the following reasons:
 - [1] If the applicant's county hauler's license has previously been revoked or suspended for legal cause.
 - [2] If the applicant has violated, or is violating, this article, County Waste Management Ordinance, Solid Waste Management Act, Municipal Waste Planning, Recycling and Waste Reduction Act, as all may be amended from time to time, or any regulations of the Department of Environmental Protection relating to the environment and to solid waste, or has been convicted of any such violation.
 - [3] Where, in the township or elsewhere, the applicant has failed to fulfill his duties as a municipal waste collector in general or in particular has failed to pick up municipal waste and recyclables in a workmanlike manner on a regularly scheduled basis.
- (d) Haulers' registrations may be revoked at any time by the township in accordance with the following:
 - [1] Failure of the hauler to furnish and provide collection and disposal of municipal waste and recyclables in accordance with the terms of this article and the conditions under which the license was issued.
 - [2] Administrative proceedings.
 - [a] In case of violation or failure to comply with the provisions of this section, the Township Supervisors shall give the hauler an opportunity for a hearing thereon. Any hauler so entitled to a hearing pursuant to this section shall have 10 days after notice to submit a written request for a hearing, and the failure of the hauler to so request a hearing shall be deemed to constitute an admission of the violation with which he is charged. A hearing shall be scheduled before the Township Supervisors and the hauler given 10 days' written notice of the time and place of the hearing at which he shall appear and answer charges.

CHAPTER 119

SOLID WASTE

119-16

[b] Upon determination that a violation did occur, the Township Supervisors may issue a warning or take any appropriate action.

[3] The issuance of a hauler's registration under this section does not grant a vested right to any collector to a continued right to haul or collect municipal waste and recyclables in the township, and the township reserves the right to contract for municipal waste and recycling services or to initiate the public collection of municipal waste and/or recyclables.

(e) Conditions relating to haulers' registrations:

[1] No fee is required.

[2] The waste company shall have placed on the doors or each side of the body of each vehicle the name of the hauler, the telephone number of the hauler's office or headquarters and the type of waste being transported therein (or, if recyclables are being transported therein, then such to be indicated). The size of such lettering shall be no less than six inches in height and clearly legible. Vehicles shall be so marked within 10 days after the commencement of their use in the township.

[3] The waste company shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of municipal waste and recyclables under the terms of this article.

[4] The waste hauler shall pay all costs charged for the use of any disposal facilities which is utilized.

[5] The waste hauler shall empty bulk containers (such as dumpsters) which have been provided by them to their customers, when such bulk containers become full.

(2) Recyclable collection.

(a) A person who is not a registered hauler shall not collect, transport or dispose of recyclables for any persons other than himself or for whom he is acting as an agent unless he has registered with the township. Applications for such permit shall be made by submission to the township of a form to be prescribed therefore, completed by the applicant. Registration shall be required annually and on a calendar-year basis.

(b) All recyclable collection haulers shall be required to take all of the recyclable material which they collect from their customers to a recycling facility.

CHAPTER 119

SOLID WASTE

119-22

§ 119-17. Responsibilities of registered haulers.⁸

Every hauler, as a precondition to being registered to do business within the township, shall be required to provide to its residential, multifamily, commercial, municipal and institutional establishments and properties the service of removing recyclables from their properties at the curbside or an appropriate location on the premises. Any such recyclables so removed by registered haulers shall be kept separate from municipal waste and shall be taken to a recycling facility for the purpose of recycling.

§ 119-18. Designation of recycling facility.

The township reserves the right by resolution to direct recyclables to a designated recycling facility.

§ 119-19. Registered haulers not to accept unlawfully disposed of recyclables.⁹

No registered hauler shall accept, pick up or remove any bag or other container of municipal waste which the hauler knows or has reason to believe contains recyclables combined with municipal waste. Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pickup, the hauler shall affix a tag or sticker to the container containing the recyclables.

§ 119-20. Missed pickup.

In the event of any missed pickup, the collector shall collect from the missed location within 24 hours of notification from the missed resident, provided that the resident has abided by the terms of their contract with the hauler.

§ 119-21. Complaints.

All complaints regarding collection of recyclables or municipal waste shall initially be reported to the collector. Any complaint which the collector fails to resolve shall be reported, in writing, to the township.

§ 119-22. Community oriented charitable activities.

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized collector. Prior to initiating such activity, the organization shall obtain authorization from the township.

⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)

CHAPTER 119

SOLID WASTE

119-26

§ 119-23. Bulk waste.

The township shall by resolution provide for at least annual disposal of bulk waste in accordance with applicable law.

§ 119-24. Violation and penalty.

Any person who violates any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 and costs of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than 10 days nor more than 30 days. Each violation of any provision of this article and each day the same is continued shall be deemed a separate offense. For purposes of this section, the doing of any act or thing prohibited by any provision of this article, or the failure to do any act or thing as to which any provision of this article creates an affirmative duty, shall constitute a violation of this article, punishable as herein stated.

§ 119-25. Construal.

The various headings used through this article are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this article.

§ 119-26. Effective date.

This article shall be in full force and effect from and after January 1, 1994.

CHAPTER 119

SOLID WASTE