

CHAPTER 20

SOLID WASTE

ARTICLE I

SPENT COMPOST PERMITS

- Section 101. Short Title**
- Section 102. Definitions**
- Section 103. Permit and Fee**
- Section 104. Application for Permit**
- Section 105. Issuance of Permit**
- Section 106. Permit Limitations**
- Section 107. Necessity and Requirement for Permit and Fee**
- Section 108. Regulations**
- Section 109. Penalties for Violation**

ARTICLE II

**PROHIBITION OF LAWN AND GARDEN WASTE ON PUBLIC PROPERTY
AND ROADS**

- Section 201. Prohibition**
- Section 202. Violations**
- Section 203. Abatement of Nuisances**
- Section 204. Health, Safety and Welfare**

ARTICLE III

TRASH

- Section 301. General Refuse Regulations**
- Section 302. Civil Enforcement Penalties**

ARTICLE IV

SOLID WASTE

- Section 401. Intent**
- Section 402. Purpose**
- Section 403. Definitions**
- Section 404. Dumping; Litter**
- Section 405. Separation of Recyclables**
- Section 406. Removal of Residential Municipal Waste and Recyclables**
- Section 407. Removal of Commercial, Municipal, Institutional, and Community
Municipal Waste and Recyclables**

SOLID WASTE

- Section 408. Recycling Reports for Multifamily Housing, Commercial, Municipal, Institutional Properties**
- Section 409. Private Hauling Recycling Reports**
- Section 410. Collection by Unauthorized Person**
- Section 411. Presumption of Ownership of Municipal Waste and Recyclables**
- Section 412. Transportation of Municipal Waste**
- Section 413. Authorization of Private Haulers**
- Section 414. Private Hauler to Provide Recyclable Removal Service for Residential, Multifamily Housing, Commercial, Municipal, and Institutional Establishment and Properties**
- Section 415. Preparation and Storage of Municipal Waste and Recyclables**
- Section 416. Public Litter Baskets**
- Section 417. Responsibilities of Private Haulers**
- Section 418. Private Haulers as an Independent Contractor**
- Section 419. Equipment of the Private Hauler**
- Section 420. Disposal**
- Section 421. Vested Right**
- Section 422. Private Hauler not to Accept Unlawfully Disposed of Recyclables**
- Section 423. Missed Pickup**
- Section 424. Community Orientated Charitable Activities**
- Section 425. Illegal to Burn Recyclables and Leaf Waste**
- Section 426. Violations and Penalties**
- Section 427. Recycling Coordinator**

ARTICLE I

SPENT COMPOST PERMITS

Section 101. Short Title

This Ordinance shall be know and may be cited as “The Ontelaunee Township Spent Compost Permit Ordinance.”

Ord. 1984-2, 12/13/1984, §1.

Section 102. Definitions

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated:

- A. **AGRICULTURAL USE** – The use of spent or used mushroom soil and/or mushroom compost as fertilizer or compost on viable agricultural land, for promoting or stimulating the growth of plants, increasing the productivity of soil and improving the quality of crops raised thereon; provided that agricultural crops are planted thereon and harvested within one year from the date of such application of spent or used mushroom soil and/or mushroom compost.
- B. **BOARD** – Shall mean the Board of Supervisors of The Township of Ontelaunee.
- C. **SPENT OR USED MUSHROOM SOIL AND/OR MUSHROOM COMPOST** – Hereinafter referred to as Spent Compost is the soil or compost reclaimed from mushroom houses after the mushrooms have grown and been harvested.
- D. **TOWNSHIP** – Shall mean Ontelaunee Township, Berks County, Pennsylvania.

Ord. 1984-2, 12/13/1984, §2.

Section 103. Permit and Fee

Every person, property owner and/or property lease indenting to use Spent Compost for an Agricultural Use, as defined above, in the Township is hereby required to apply for an obtain a Township Spent Compost Agricultural Use Permit from the Township Secretary, in accordance with the provisions of this Ordinance, at an annual fee, as set from time to time by Resolution of the Board of Supervisors, per year for each such Agricultural Use of Spent Compost in the Township of Ontelaunee, Berks County, Pennsylvania.

Ord. 1984-2, 12/13/1984, §3.

Section 104. Application for Permit

SOLID WASTE

The Permit provided for in this Ordinance shall be issued by the Township Secretary after written application shall have been made therefor by the person, property owner and/or lease required to have such Permit and after approval by the Township. Such permit shall state the name of the person to whom such Permit is issued and a description of the premises on which such Agricultural Use of Spent Compost is to be used. The written application for the Permit hereinabove mentioned shall be accompanied by a form, every question of which must be answered, as supplied by the Township, and a map or plot plan of the area or premises to be used in connection with such Permit.

Ord. 1984-2, 12/13/1984, §4.

Section 105. Issuance of Permit

Upon receipt of an application by the Township the Board shall direct the Secretary to issue a Permit or refuse to issue a Permit to the person, property owner and/or leasee applying therefore after an examination of the application and its compliance with this Ordinance and any other Township Ordinances regulating the use of spent compost. In the event that the Board shall direct the Secretary to issue a Permit, it may impose upon the Permit and the person, property owner and/or leasee applying therefore such terms and conditions, in addition to the regulations herein contained and adopted pursuant to this Ordinance, as may be deemed necessary to carry out the spirit and intent of this Ordinance.

Ord. 1984-2, 12/13/1984, §5.

Section 106. Permit Limitations

No person, property owner and/or leasee holding a Permit under this Ordinance shall engage in the Agricultural Use of Spent Compost in any place other than the place designated on his Permit. No Permit issued by the Township, for Agricultural Use of Spent Compost, shall be transferrable.

Ord. 1984-2, 12/13/1984, §6.

Section 107. Necessity and Requirement of Permit and Fee

This annual Permit and Fee for the Agricultural Use of Spent Compost is necessary for the administration of ordinances and regulations pertaining to the use of spent compost and the policing of compliance to such ordinances and regulations in order to preserve the health, safety and general welfare of the citizens of this Township. This Permit is required in addition to any and all local, state or other permits, requirements or regulations.

Ord. 1984-2, 12/13/1984, §7.

Section 108. Regulations

- A. Spent Compost shall not be applied as an Agricultural Use, as defined above, to any land in the Township unless the owner and/or leasee of such land has obtained and is the holder of a valid Permit, in accordance with this Ordinance, for such Agricultural Use of Spent Compost, issued by the Township.
- B. Agricultural Use of Spent Compost shall be subject to the following regulations and conditions and violation of any such regulations and conditions shall constitute grounds for the revocation of the Township Spent Compost Agricultural Use Permit of the violator and a subsequent refusal to issue any further Agricultural Use Permits to such violator in addition to Penalties found in Section 109 of this Ordinance.
- C. The Board of Supervisors of the Township of Ontelaunee hereby adopts the following regulations and conditions for the Agricultural Use of Spent Compost as follows:
 - 1. Agricultural crops must be planted thereon and harvested from the land to which Spent Compost has been applied within one (1) year from the date of such application.
 - 2. Applied Spent Compost must be spread and turned under the soil within 6 months of its application, to a depth of not more than six inches (6”), or to such lesser depth that it can be turned under the soil with conventional farm equipment.
 - 3. There shall be no application of Spent Compost on land where there is a possibility of pollution of underground water supplies or wells by the leaching of nitrates or other undesirable fluids from the Spent Compost.
 - 4. There shall be no application of Spent Compost in such a manner that runoff from the land on which it is applied carries materials or undesirable fluids from the Spent Compost onto public or private property of another.
 - 5. All Agricultural Use of Spent Compost shall be in strict accordance with the regulations and conditions of this Ordinance and any other regulations and conditions the Board of Supervisors may deem necessary and adopt.

Ord. 1984-2, 12/13/1984, §8.

Section 109. Penalties for Violation

See Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1984-2, 12/13/1984, §9; superseded by Ord. 2001-2, 7/12/2001.

SOLID WASTE

ARTICLE II

**PROHIBITION OF LAWN AND GARDEN WASTE ON PUBLIC PROPERTY
AND ROADS**

Section 201. Prohibition

No person shall place or deposit leaves, grass clippings or other lawn or garden waste materials on or upon public property or within or upon the rights of way of any Township Road or State Highway within the Township of Ontelaunee, Berks County, Pennsylvania.

Ord. 1995-5, 10/12/1995, §1.

Section 202. Violations

Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1995-5, 10/12/1995, §2; superseded by Ord. 2001-2, 7/12/2001.

Section 203. Abatement of Nuisances

In addition to any other penalties or remedies provided in this Ordinance, any violation of Section 201 above shall constitute a nuisance and shall be abated by the Township at the expense of the Violator at the cost to the Township plus ten percent (10%).

Ord. 1995-5, 10/12/1995, §3.

Section 204. Health, Safety and Welfare

It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the citizens of this Township.

Ord. 1995-5, 10/12/1995, §4.

ARTICLE III

TRASH

Section 301. General Refuse Regulations

Refuse shall include any ashes, cardboard and/or rubbish; excluding recyclable materials. Refuse shall not include any items which the Township deems to be hazardous. The following regulations shall be followed in dealing with refuse:

- A. Garbage shall be drained and stored in durable watertight containers with handles and tight-fighting covers.
- B. Ashes shall be stored in fire-resistant containers equipped with handles and tight-fighting covers. Ashes containing hot embers shall not be placed out for collection until they have been adequately quenched and cooled.
- C. Rubbish shall be stored in durable containers with tight-fitting covers.
- D. No person shall place, throw or deposit refuse in or along any street, alley, road, highway or public way within the limits of the Township, unless it is placed in a proper refuse container for the purpose of collection.
- E. No person shall place, throw or deposit refuse in or upon any private property of another, unless it is placed in a proper refuse container for the purpose of collection with the consent of such property owner.
- F. No person shall place, throw or deposit refuse in or upon any private property of another, unless it is place in a proper refuse container for the purpose collection with the consent of such property owner.
- G. No person shall place, throw or deposit refuse in or upon any stream or any other body of water within the Township.
- H. Bulky rubbish including, but not limited to, discarded furniture and large household appliances (refrigerators, washing machines, dryers, bathtubs, sinks, commodes) shall not be allowed to accumulate on any premise.
- I. All refuse receptacles or containers shall be provided by the owner, tenant or occupant of the premises, unless otherwise specified.
- J. The storage of all refuse by residents of the Township shall be practiced so as to prevent the attraction, harboring or breeding of insects and/or rodents or vermin, and to eliminate conditions harmful to the public health or which create safety hazards, odors, unsightliness and/or public nuisances.

SOLID WASTE

- K. Residents shall provide a sufficient number of containers necessary to comply with Subsection J above to contain all refuse generated between regularly scheduled collections.
- L. Refuse shall not be placed at curb or alley for collection earlier than noon (12:00 p.m.) on the day prior to scheduled collection without specific permission from the Township.
- M. No person shall dump or place any refuse into a residential, commercial or municipal refuse containers in the Township without first obtaining permission of the subscriber.

Ord. 2008-4, 8/7/2008, §1.

Section 302. Civil Enforcement Penalties

Any person or entity who fails to comply with any or all of the requirements or provisions of the Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Code Officer/Zoning Officer or any officer of the Northern Berks Regional Police Department shall be subject to, upon conviction thereof, a fine of up to One Thousand Dollars (\$1,000.00) plus costs, and in default of payment of said fine and costs, a term of imprisonment not to exceed thirty (30) days. Each day a violation of this Ordinance continues shall constitute a separate offense.

Ord. 2008-4, 8/7/2008, §2.

ARTICLE IV

WASTE AND RECYCLING

Section 401. Intent

- A. All domestic, municipal, commercial, institutional and industrial recyclables accumulated upon any property within Ontelaunee Township shall be collected and removed by a private hauler who shall be licensed by the State of Pennsylvania. Waste shall be disposed of in accordance with the Solid Waste Management Act and the Berks County Solid Waste Management Plan.
- B. This Ordinance shall provide a mandatory recycling program and govern all aspects of the collection, storage, transportation, processing and disposal of municipal solid waste in Ontelaunee Township. It contains regulations applicable to collectors of municipal waste, collectors of recyclables, individuals, commercial, municipal and institutional establishments.

Ord. 2023-6, 9/7/2023, §2.

Section 402. Purpose

Ordinance to establish a program for the mandatory collection of municipal solid waste, the source-separation and separate collection of designated recyclable materials, and leaf waste, from residences and properties within the Township of Ontelaunee for disposal, recycling and composting purposes; to prohibit the disposal of designated recyclable materials into the conventional municipal waste disposal system; to empower the Township to promulgate and adopt reasonable rules and regulations therefore, and to fix penalties for violation of this Ordinance.

Ord. 2023-6, 9/7/2023, §2.

Section 403. Definitions

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning appears clearly from the context:

Agent - one who performs an act for his immediate family or for another person as defined in this Ordinance, with or without compensation.

Authorized Collector – A Private Hauler with an Act 90 License (as defined herein), or a person who, being so authorized by the terms of this Ordinance, removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent of another person.

Cardboard – Any structural paper material with an inner core shaped in rigid parallel furrows and ridges.

SOLID WASTE

Collector – A general term referring to any person who collects, for removal from premises, municipal waste or recyclables.

Commercial – Of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, financial or professional service or office enterprise, business or establishment.

Composting – The process of the biological decomposition of organic solid waste being biologically decomposed under controlled anaerobic or aerobic conditions to yield humus like product.

Curbside – That location at the edge of any lot, parcel or piece of land adjacent to a public right-of-way or roadway, and which location is most accessible and/or convenient to any authorized collector, as defined by this Ordinance, for the purpose of collecting municipal waste and/or recyclables.

Curbside Collection – A method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties by placing them at curbside at a time designated by an authorized collector for collection and removal thereof for delivery to a recycling center.

Designated Recyclables – Cardboard and paper products, plastics, clear and colored glass containers, metal food and beverage cans and containers, and other materials, which shall be determined from time to time by Resolution, to be recyclable materials which shall be separated from municipal waste for recycling.

Development – a recorded residential subdivision in which homeowners are members of a duly organized, validly existing property owners association or corporation and which has been recognized by and registered with the Board of Supervisors of Ontelaunee Township, as required by this Ordinance.

Disposal – The incineration, depositing, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Disposal Area – Any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.

Garbage – All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

Glass Containers – All empty food and beverage jars or bottles, the product being transparent or translucent (clear, green or brown). Expressly excluded are non-container glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

Institutional – Of, or pertaining to, any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, schools, universities, churches and social or fraternal societies and organizations.

Landlord – The owner of the residential property, made subject to a lease, or such owner's authorized agent.

Leaf Waste – Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Metal and Aluminum Cans – Includes all disposable, recyclable containers fabricated primarily of aluminum, metal or bimetal and commonly used for beverages, fruits, vegetables and other liquid or dry matter, but specifically excludes aerosol cans.

Multifamily Dwelling – A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

Municipal – Of, or pertaining to, any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, Ontelaunee Township, any Counties, Cities, Boroughs, Townships, and municipal authorities.

Municipal Waste – Any garbage, refuse, industrial, lunchroom or office waste and other materials, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal or commercial or institutional establishments, or from community activities, and which are not classified as residual or hazardous waste, except farm produced manure, other agricultural waste and food processing used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of "residual or hazardous waste," as defined in Commonwealth of Pennsylvania Solid Waste Management Act. The term does not include source-separated recyclable materials or leaf waste.

Municipal Waste Landfill – Any facility that is designed, operated, used and or maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Person – Any agent, individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plastic – Manmade materials composed of large molecules called polymers. Specifically, HDPE, high density polyethylene, commonly used as plastic gallon milk jugs or PETE, polyethylene a, commonly used for soda bottles.

Private Hauler – A person licensed by the Commonwealth of Pennsylvania as per the amended Title 27 (Environmental Resources), Waste Transportation Safety Program, or the Pennsylvania Consolidated Statutes, and licensed under Act 90 to collect, haul, and transport

SOLID WASTE

municipal waste and recyclables. All such haulers shall comply with the provisions of Title 27, of Act 90, and all other applicable Federal, State, County and local laws and regulations.

Recyclables – Materials designated as recyclable in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled. The term includes leaf waste (as defined herein) (which is treated somewhat differently as it can be composted).

Recycling Facility – A facility employing a technology and/or a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term “recycling facility” shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include:

- (1) Any composting facility.
- (2) Methane gas extraction from a municipal waste landfill.
- (3) Any separation and collection center, drop-off point or collection center for recycling, or any source-separation or collection center for composting leaf waste.
- (4) Any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.

Rubbish – Solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper or plastic) and non-compostable plant material, wood or nonputrescible solid waste.

Steel Cans – Empty food or beverage containers made of steel, tin coated steel or ferrous metal food or beverage containers.

Storage – The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one (1) year constitutes disposal. This presumption may be overcome only by clear and convincing evidence to the contrary.

Township – Ontelaunee Township, Berks County, Pennsylvania

Transfer Station – A facility that receives and processes or temporarily stores municipal or residual waste at a location other than the generation site and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of such waste materials for offsite refuse. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastic. Nor does the term include the centrally designated location of a development where agents of the lot's owners have gathered the waste from the development for collection by a private hauler.

Transportation – The removal from any site or location of any municipal waste or recyclable materials at any time after generation thereof.

Waste – A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials, leaf waste or material approved by the Commonwealth of Pennsylvania, Department of Environmental Protection for beneficial use.

Ord. 2023-6, 9/7/2023, §2.

Section 404. Dumping; Litter

- 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 and collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream, body of water, or on any public right-of-way within the Township. Backyard composting which is done so as not to create a public nuisance is excepted from this provision.
- B. Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in any appropriate receptacle any municipal waste, recyclables or other debris and place same at the curbside location or on the sidewalk or gutter in front of or adjacent to their 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 on their premises. Such owner or operator may place appropriate waste containers on the sidewalks in front of or adjacent to their premises at a point that 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.
- C. Nothing contained herein shall prohibit a duly constituted property owners association or corporation including the owner of any multifamily residential dwelling or duly organized institution from assembling municipal waste or recyclables at a central, accessible location, provided such activities are conducted and confined within the boundaries of that real estate development or subdivision, as defined herein, lawfully recorded and recognized as such.
- D. 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 such activities are conducted in accordance with all applicable laws, rules and regulations.
- E. 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 Ordinance by the person on whose property the bulk container is located, if it is located on private property.

SOLID WASTE

- F. No waste or recyclables shall be allowed to either accumulate on the ground or be disposed of on highways, Township roads, vacant lots or other property, nor be thrown in any stream or other body of water.
- G. From time to time, the Township Supervisors may, by resolution, enumerate alternative recyclables, which will require to be separated from municipal waste and collected in accordance with this Ordinance.

Ord. 2023-6, 9/7/2023, §2.

Section 405. Separation of Recyclables

- A. The owners and occupants of all residential properties and all commercial, municipal, and institutional establishments shall recycle Designated Recyclables which shall be kept separate from municipal waste for the purpose of recycling.
- B. Leaf Waste must be kept separate from municipal waste for the purpose of backyard composting or permitted recycling facility. Recyclables shall not be placed in the same garbage can or other container as, or mixed with, municipal waste for collection, removal or disposal.
- C. Recyclables must be set out for collection in a manner designed by an authorized collector as approved by the Township, or delivered to a licensed recycling facility.

Ord. 2023-6, 9/7/2023, §2.

Section 406. Removal of Residential Municipal Waste and Recyclables.

- A. All owners or occupants of residential properties who are not authorized collectors shall enter into contract with a licensed private hauler to collect municipal waste at curbside or some appropriate location on the premises, designated by the private hauler, to be collected at times designated by the private hauler. A copy of the contract shall be maintained for a minimum of one calendar year. Those who dispose of their own municipal waste shall obtain weigh slips and shall maintain records of every disposal (and the weigh slips for same) for a period of at least one (1) calendar year for review by the Township upon request for same. Failure to maintain such records shall constitute a violation of the terms of this Ordinance (in addition to any other violations). The frequency of collecting municipal waste from or by the owners of residential properties shall be not less than once per calendar month.
- B. All owners or occupants of residential properties shall arrange for the collection and transportation of recyclables by a private hauler according to the procedures designated by the private hauler, except for those that do not use a private hauler and instead collect and transport their own recyclables to a recycling facility. In the later instances, the owners or occupants shall create and maintain a written record for review by the Township of any transportation of recyclables (identifying

the date of any transportation, the quantity transported and the place of transportation - including any documentation made available by the facility providing for the collection of recyclables establishing such acceptance of recyclables) for a period of at least one (1) calendar year for review by the Township upon request for same. Failure to keep a written record regarding the collection and transportation of recyclables shall be a separate violation of the terms of this Ordinance (in addition to any other violations). In either instance, the frequency of collection, transportation, and processing from or by the owners of residential properties shall be not less than once per calendar month.

Ord. 2023-6, 9/7/2023, §2.

Section 407. Removal of Commercial, Municipal, Institutional, and Community Municipal Waste and Recyclables.

All owners or occupants of commercial, municipal, and institutional establishments shall enter into contracts with a licensed private hauler to collect municipal waste and recyclables separately from the premises, designated by the private hauler, to be collected at times designated by the private hauler. The frequency of such collection shall not be less than once per calendar month.

Ord. 2023-6, 9/7/2023, §2.

Section 408. Recycling Reports for Multifamily Housing, Commercial, Municipal, Institutional Properties.

The landlord of every multi-family housing property and every commercial, municipal, and institutional establishment shall complete form to be designated “Recycling Report” to be provided by the Township, which shall indicate where the property’s recyclables were delivered or picked up by whom. Such report shall provide information on the type and amount of each material recycled.

Ord. 2023-6, 9/7/2023, §2.

Section 409. Private Hauling Recycling Reports.

All private haulers shall submit to the Township an annual recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken along with a list of customers serviced within the Township limits. The said weight slips shall indicate the weight of all recyclables collected from within the Township. Each such annual recycling report shall be submitted on or before the last day of January, for the preceding year.

Ord. 2023-6, 9/7/2023, §2.

Section 410. Collection by Unauthorized Person.

From the time of placement of residentially generated recyclable items for collection in accordance with the terms of this Ordinance, the items shall be and become the property of

SOLID WASTE

the private hauler. It shall be a violation of this Ordinance 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 such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

Ord. 2023-6, 9/7/2023, §2.

Section 411. 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 refutable presumption, for purposes of this Ordinance that said municipal waste or recyclables are, or were, the property of the person whose name is found therein.

Ord. 2023-6, 9/7/2023, §2.

Section 412. Transportation of Municipal Waste.

Any person transporting municipal waste within the Township shall prevent or remedy any spillage or leakage/prevention of leakage from vehicles or containers used in the transportation of such municipal waste.

Ord. 2023-6, 9/7/2023, §2.

Section 413. Authorization of Private Haulers.

- A. It shall be unlawful for any person, except for litter control and/or roadside clean up personnel, and other persons licensed by the Commonwealth of Pennsylvania as per the amended Title 27 (Environmental Resources) Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, and Act 90, to collect, haul and/or transport municipal waste and recyclables. All such haulers shall comply with the provisions of Title 27 and Act 90, as well as all Federal, State, County and local laws and regulations to collect and to transport waste of any nature or recyclables within or from the Township. Authorization to collect, transport and for proper disposition of municipal waste or recyclables for persons other than one's self or for whom one is acting as agent may be given only by the State of Pennsylvania through the issuance of a collector's license.
- B. Nothing in this Section shall prohibit a duly organized and registered property owners association from assembling municipal waste at a central, accessible location within the confines of its development for ultimate collection as required herein.
- C. All private haulers shall register with the Township and certify compliance with the requirements of Title 27 and Act 90, along with other information as shall be required by the Township to be set forth in a Resolution of the Board of Supervisors.

Ord. 2023-6, 9/7/2023, §2.

Section 414. Private Hauler to Provide Recyclable Removal Service for Residential, Multifamily Housing, Commercial, Municipal, and Institutional Establishment and Properties.

All private haulers contracted for municipal waste collection shall offer such customers (residential, multifamily, commercial, municipal, and institutional) the service of removing recyclables from their properties at the curbside or an appropriate location on the premises. Any such materials so removed by a private hauler shall be kept separate from municipal waste and shall be taken to a facility for the purpose of recycling. Failure to offer said services shall be a violation of this Ordinance.

Ord. 2023-6, 9/7/2023, §2.

Section 415. Preparation and Storage of Municipal Waste and Recyclables.

- A. Any person accumulating or storing municipal waste or recyclables on private or public property within the Township, including municipal waste and recyclables assembled within a commercial, institutional, industrial or multifamily development, for any purpose whatsoever shall place the same, or cause the same to be placed, in a closed or covered sanitary container, in accordance with the following standards:
1. Containers used for the storage of municipal waste shall be of plastic construction, equipped with lids and waterproof. All such containers shall be approved by the Township as established by Resolution.
 2. No person, except the occupants of the property on which a waste container is placed, a private hauler, the Township Zoning Officer or such other person as the Township may designate and are duly authorized agent, or representative of property owners association or corporation recognized as such by the Township shall remove the lids of the container and/or remove the contents thereof.
 3. All recyclables will be placed in the above-mentioned containers. Prior to such placement, all plastic containers shall have the tops removed. All containers shall be rinsed and cleaned prior to placement in the recycling container for curbside pickup.

Ord. 2023-6, 9/7/2023, §2.

Section 416. Public Litter Baskets.

- A. The Township is hereby authorized to collect municipal waste from the Township property, to provide public litter baskets in the Township and to dispose of such waste in either a receptacle of a private hauler or at designated disposal sites.

Ord. 2023-6, 9/7/2023, §2.

SOLID WASTE

Section 417. Responsibilities of Private Haulers.

- A. Private haulers shall have an affirmative duty to follow and conduct themselves in accordance with their current license or registration and to service each of their customers in accordance with their current license or to service each of their customers in accordance with the requirements of this Ordinance, any failure of which shall be a violation of this Ordinance.
- B. The private hauler 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 (6) inches in height and clearly legible. Vehicles shall be so marked within ten (10) days after the commencement of their use in the Township.
- C. Private haulers shall empty bulk containers (such as dumpsters) which have been provided by them to their customers, within 24 hours of receiving notice that such bulk containers become full.
- D. Private haulers shall furnish and provide collection and disposal of municipal waste and/or recyclables in accordance with the terms of this Ordinance and any Resolution prescribing the regulation hereof.

Ord. 2023-6, 9/7/2023, §2.

Section 418. Private Haulers as an Independent Contractor.

Any person granted an Act 90 license by the State of Pennsylvania shall not in any manner be construed as an agent, servant or employee of Ontelaunee Township but shall, at all times, be considered and remain an independent contractor. Likewise, no property owners association or corporation who assembles municipal waste or recyclables within a development shall be construed as an agent, servant or employee of Ontelaunee Township.

Ord. 2023-6, 9/7/2023, §2.

Section 419. Equipment of the Private Hauler.

All private haulers shall be required to collect and remove Municipal waste and/or recyclables in motor-driven vehicles having enclosed, metal, leak proof bodies with metal covers or covers made of such material as to prevent the contents from escaping.

Ord. 2023-6, 9/7/2023, §2.

Section 420. Disposal.

Each private hauler shall have a valid agreement, not subject to cancellation, covering the use of an appropriate disposal facility in accordance with the Berks County Solid Waste Management Plan, or such other law, as may be applicable, which governs the use and maintenance of any such disposal facility.

Ord. 2023-6, 9/7/2023, §2.

Section 421. Vested Right.

The issuance of a collector's license by the State of Pennsylvania shall not grant vested right to any collector or a continued right to haul or collect municipal waste, recyclables or leaf waste in the Township. The Township reserves the right to contract for municipal waste, recycling or leaf waste collection services or to initiate the public collection of municipal waste, recyclables or leaf waste.

Ord. 2023-6, 9/7/2023, §2.

Section 422. Private Hauler not to Accept Unlawfully Disposed of Recyclables.

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

Ord. 2023-6, 9/7/2023, §2.

Section 423. Missed Pickup.

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

Ord. 2023-6, 9/7/2023, §2.

Section 424. Community Orientated Charitable Activities.

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving 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 a private hauler. Prior to initiating such activity, the organization shall obtain authorization from the Township.

Ord. 2023-6, 9/7/2023, §2.

Section 425. Illegal to Burn Recyclables and Leaf Waste.

It shall hereafter be illegal to burn designated recyclables and leaf waste, except where said burning falls under exceptions to applicable law, including but not limited to the Ontelaunee

SOLID WASTE

Township Open Fire and Burning Ordinance (See Chapter 6, Article III of the Ontelaunee Township Code of Ordinances).
Ord. 2023-6, 9/7/2023, §2.

Section 426. Violations and Penalties.

- A. Any person who shall violate any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment or said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance, which shall be found to have been violated, shall constitute a separate offense. For purposes of this Ordinance, the doing of an act or thing prohibited by any provision of this Ordinance or the failure to do any act or thing or to which any provision of this Ordinance creates an affirmative duty shall constitute a violation of this Ordinance, punishable as herein stated.
- B. Private haulers who shall violate any provision of this Ordinance may be reported to the State of Pennsylvania Department of Environmental Protection and may be subject to revocation of State authorization to transport municipal waste, as described in the amended Title 27 (Environmental Resources), Waster Transportation Safety Program, of the Pennsylvania Consolidated Statutes, and Act 90.

Ord. 2023-6, 9/7/2023, §2.

Section 427. Recycling Coordinator.

- A. The Township Supervisors shall at the annual reorganizational meeting every January designate for the following year the appointment of a recycling coordinator.
- B. The duties of the recycling coordinator shall include but not be limited to the following, subject to further duties as may be prescribed by the Board of Supervisors:
 - 1. Devising and implementing a residential and business recycling education program.
 - 2. Arranging for the participation of the Township in Berks County programs for the recycling of special materials.
 - 3. Devising and implementing a program to address illegal dumping and littering.
 - 4. Monitoring participation by owners and occupants of residential, commercial, municipal, and community establishments; receiving recycling reports; receiving complaints; and advising the Board of Supervisors and Code Enforcement Officer on issuing warnings and penalties.

Ord. 2023-6, 9/7/2023, §2.