

WEST MANCHESTER TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 90 - 10

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WEST MANCHESTER TOWNSHIP, YORK COUNTY, PENNSYLVANIA, PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS, AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and

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

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

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained by the Board of Supervisors of West Manchester Township as follows:

**ARTICLE I. TITLE:**

A. The short title of this ordinance shall be the West Manchester Township Recycling Ordinance, and the same may be cited in that manner.

**ARTICLE II. DEFINITIONS:**

A. The following words, terms, and phrases shall have ascribed to them the meanings herein set forth, unless the use of such word, term or phrase in context clearly indicates a different meaning:

1. Act 101 shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

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

3. Bimetallic Containers shall mean empty food or beverage containers consisting of steel and aluminum.

4. Collector shall mean the entity or entities authorized by the Township to collect recyclable materials from residences or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Township to collect recyclable materials from those properties.

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

6. Commingled shall mean source separated, non-putrescible recyclable materials that have been mixed at the source of generation (i.e. placed in the same container).

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

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

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

10. Institutional Establishment shall mean those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.

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

12. Newspapers shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers.

13. Person shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, public and private schools and educational facilities, 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 Ordinance prescribing a fine, penalty, or imprisonment, the term "person" shall include

the officers and directors of a corporation or other legal entity having officers and directors.

14. Recyclable Materials shall mean materials specified by the Township which are generated by residences, commercial, municipal, and institutional establishments and which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newspapers, corrugated paper, leaves, plastics, and any other items selected by the Township or specified in future revisions to Act 101. The recyclable materials selected by the Township may be revised from time to time, by resolution of the Board of Supervisors, as deemed necessary by the Township.

15. Recycling shall mean the collection, separation, recovery and sale or reuse of metals, glass, paper, leaves, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery or reusable materials.

16. Recycling Container shall mean the container provided by the Township of West Manchester Township for the express purpose of storing recyclable materials for collection by the Township's recycling Collector.

17. Residential Dwellings shall mean any occupied single or multi-family dwelling for which the Township provides municipal waste collection service.

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

19. Township shall mean West Manchester Township.

20. Waste shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the Department for beneficial use.

#### **ARTICLE III. ESTABLISHMENT OF PROGRAM**


A. There is hereby established in the Township a mandatory source-separation and collection program for recyclable materials. On and after the effective date of this ordinance each person shall source separate all recyclable materials and dispose of the same in accordance with the provisions of this ordinance. The Township shall designate a schedule and plan for curbside collection of recyclable materials for those persons served by the Township trash collection program.


#### **ARTICLE IV. COLLECTION STANDARDS**

A. Collection of recyclable materials shall be made on a designated day of each week. Collection shall occur in accordance with a schedule of collection of recyclable materials publicly advertised by the Township.

B. All persons or residents of the Township within the area serviced by the curbside collection program established pursuant to this ordinance shall source separate all designated recyclable materials and place them at the side of the road fronting their residence in the manner designated by this ordinance on the date specified for collection by the schedule published by the Township.

C. All persons, except those residents served by the Township curbside collection program, shall institute and maintain a private collection and recycling program in accordance with the terms of this ordinance.

 D. All commercial and institutional establishments that currently utilize the existing curbside refuse collection program are required to separate all designated recyclable materials. All recyclable materials not collected by the Collector designated by the Township shall be recycled by the commercial or institutional establishment by a private collection and recycling program in accordance with the terms of this Ordinance. Those commercial and institutional establishments which contract privately and individually for recycling/refuse collection are required to recycle materials as designated by this ordinance. All commercial or institutional establishments that do not utilize the Township's curbside program are required to provide written documentation as to the type and weight of materials recycled annually. Reports are due to the Township in a form provided by the Township no later than January 15th of each year.



E. Designated recyclable materials for the curbside collection program established pursuant to this ordinance shall consist of the following materials:

newspapers	clear glass
bimetal cans	brown glass
steel cans	green glass
aluminum cans	

Recyclable materials may be added to the above list by resolution of the Board of Supervisors of West Manchester Township.

These materials shall be required to be source separated in a commingled container provided by the Township for collection by the Collector designated by the Township.

**ARTICLE V. REQUIREMENTS APPLICABLE TO SOURCE SEPARATION AND COLLECTION OF DESIGNATED RECYCLABLE MATERIALS.**

A. All recyclable materials placed at the curbside by residents for collection pursuant to the curbside collection program established by this ordinance shall be prepared for collection in accordance with the following:

1. All newsprint shall be placed in paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one (1) foot in thickness.

2. Glass containers shall have caps and lids removed.

3. Glass and cans shall be rinsed free of contaminants.

4. Glass and cans shall be placed in a commingled container to be provided by the Township. Plastic garbage bags or other home used containers shall not be utilized as containers for recyclable materials. Only containers designated by the Township shall be utilized for recyclable material collection.

5. No material shall be placed at the roadside earlier than 5:00 p.m. the evening of the day preceding a scheduled collection day. The bundled newsprint and the commingled containers of glass and cans shall be placed at the curbside for collection adjacent to one another and clearly separated from containers of solid waste.

6. All garbage (not including recyclable materials) must be placed in a watertight container or plastic bag, before setting at curbside.

7. If recyclable materials are not properly prepared or trash is not in the proper watertight containers or plastic bags they may be refused and left at the curbside.

**ARTICLE VI. ESTABLISHMENT OF LEAF RECYCLING FACILITY**

A. There is hereby established a Leaf Recycling Facility (the Facility) for the processing of leaves. The Facility shall be utilized only by West Manchester Township for its leaf collection program and shall not be a public facility.

**ARTICLE VII. MANDATORY SOURCE SEPARATION OF LEAVES**

A. Upon establishment and operation of the Leaf and Yard Recycling Facility, each person shall cause to be delivered to the facility all leaves to be disposed of by that person.

B. All persons who gather leaves and who are served by the Township program for collection of leaves shall separate all leaves and place them for collection at the times and in the manner heretofore or hereafter prescribed by the Township.

C. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

D. Leaves shall be recycled pursuant to this ordinance and shall not be disposed of by any person through the Township curbside collection program for the collection of solid waste.

**ARTICLE VIII. MANDATORY COMMERCIAL AND INSTITUTIONAL SOURCE SEPARATION PROGRAM**

A. All persons within the Township who are not residents of single-family dwellings and who are not served by the curbside collection program established pursuant to this ordinance shall source separate and arrange for the collection for recycling of all designated recyclable materials.

B. Designated recyclable materials for the mandatory commercial and institutional source separation program shall consist of the following materials:

1. High Grade Office Paper shall include paper items generated by offices and/or commercial entities. This may include white computer paper, white copier paper, white typing paper, white letterhead paper, white note pad paper and other similar office paper.

2. Cardboard.

3. Glass containers, aluminum cans, and bimetallic containers.

4. Newspapers.

5. Other recyclable materials as designated by resolution of the Township upon 30 days notice of designation by publication of notice in a newspaper of general circulation within the Township.

C. The arrangement for collection of designated recyclable materials for the disposition hereunder shall be the responsibility of the person who generates the recyclable materials ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangements may include, without limitation, direct marketing of recyclable materials, delivery to a drop-off, contracts with solid waste collector/haulers for separate collection of any or all designated recyclable materials, contracts with other persons for separate collection of any or all designated recyclable materials, or direct delivery to the designated site(s).

D. Reporting Requirements - For the purpose of reporting as required by the Commonwealth of Pennsylvania, all commercial or institutional establishments must report amounts and types of recyclable materials to the Township annually, or as often as deemed necessary by the Township. Reports for the preceding year shall be due to the Township by January 15th each year.

#### **ARTICLE IX. OWNERSHIP OF RECYCLABLE MATERIALS**


A. All recyclable materials placed by persons for collection by the Township or authorized collector pursuant to this ordinance shall, from time of placement at the curb, become the property of the Township or the authorized collector, except as otherwise

provided by Article X of this ordinance. Nothing in this ordinance shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

**ARTICLE X. COLLECTION BY UNAUTHORIZED PERSONS**

It shall be a violation of this ordinance for any person, firm or corporation, other than the Township or an authorized collector to collect recyclable materials placed by residents or commercial, municipal or institutional establishments for collection by the Township or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. Unauthorized collection from one or more residences or commercial, municipal or institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

**ARTICLE XI. EXISTING RECYCLING OPERATIONS**



A. Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission to make such a collection from the Township.

**ARTICLE XII. OWNERSHIP OF RECYCLING CONTAINER**

A. All recycling containers are owned by the Township of West Manchester and are provided to residents to use for the recycling of designated materials. The container is to be left at each house or business upon vacating the premises and shall remain the property of the Township.

B. Lost, stolen or otherwise misplaced or damaged recycling containers shall be replaced by the resident at the cost to the Township of such containers.

C. The Township shall supply recycling containers to all new participants in the Township curbside recycling program.

**ARTICLE XIII. PROHIBITED ACTS**

A. It shall be unlawful for:

1. Any person other than the designated Collector to collect any designated recyclable material.

2. Any person to violate or to cause or to assist in the violation of any provision of this ordinance or any provision of Act 101.

3. Any person to hinder, to obstruct, to prevent or to interfere with the Township or its personnel or designated Collector in the performance of any duty under this ordinance or in the enforcement of this ordinance.

4. Any person to use recycling containers except for the separation and collection of recyclable materials.

B. All unlawful conduct set forth in Section (A) shall constitute a public nuisance.

**ARTICLE XIV. NON-COLLECTION OF SOLID WASTE CONTAMINATED BY DESIGNATED RECYCLABLE**

A. The Township, or the designated Collector, collecting solid waste generated within the Township may refuse to collect solid waste from any person who has failed to source separate recyclable materials.

**ARTICLE XV. PENALTY**

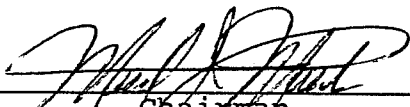
A. Any person who fails to comply with any provision of this ordinance shall, upon conviction, be fined not less than Twenty-five (\$25.00) Dollars or more than Six Hundred (\$600.00) Dollars and costs of prosecution, and in default of payment thereof, shall be imprisoned not more than thirty days. Each continuing day of violation of this ordinance shall constitute a separate offense.

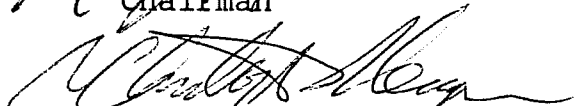
**ARTICLE XVI. EFFECTIVE DATE**

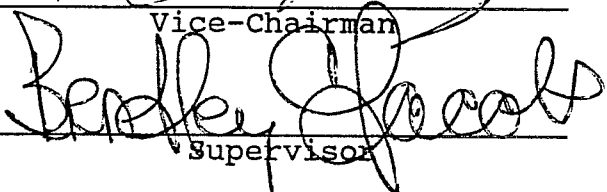
A. The effective date of this ordinance shall be September 1, 1990.

ENACTED AND ORDAINED by the Board of Supervisors this 16<sup>th</sup> day of August, 1990.


BOARD OF SUPERVISORS OF  
WEST MANCHESTER TOWNSHIP

BY:   
Chairman

  
Vice-Chairman

  
Supervisor

Attest:

  
Secretary