TOWNSHIP OF PEQUEA

Lancaster County, Pennsylvania

ORDINANCE NO. 094-1995

AN ORDINANCE TO IMPLEMENT A MUNICIPAL TRASH COLLECTION AND RECYCLING PROGRAM WHICH IS CONSISTENT WITH THE LANCASTER COUNTY SOLID WASTE MANAGEMENT PLAN AND THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT OF 1988.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, as follows:

Section l. Title. This Ordinance shall be known and may be cited as the Pequea Township Municipal Waste Management Ordinance.

Section 2. Background and Legislative Intent. The Solid Waste Management Act, Act 97 of 1980, established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste. Pursuant to the requirements of Act 97 and the request of each municipality within Lancaster County ("County"), the Board of Commissioners of the County ("County Board") prepared and adopted the 1986 Lancaster County Solid Waste Management Plan (“1986 Plan"), which was adopted by each municipality within the County and approved by the Pennsylvania Department of Environmental Resources. The 1986 Plan provided for a comprehensive and integrated County-wide system for solid waste management ("System") which included, inter alia, (a) construction of a resource recovery facility for incineration of municipal waste and generation of energy, (b) expansion of the then existing Creswell Landfill, (c) construction of transfer facilities throughout the County and (d) development of a recycling program. In order to implement the 1986 Plan and finance the System the County and each municipality within the County enacted certain waste flow control ordinances and entered into a joint cooperation agreement ("Intermunicipal

Agreement"). The Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, was approved on July 28, 1988, and gave municipalities, including the Township of Pequea, the authority to develop and implement within their boundaries a source-separation and collection program for recyclable materials. Pursuant to Act 101 and the request of the County Board, the Lancaster County Solid Waste Management Authority ("LCSWMA") has prepared (as a revision to the 1986 Plan) the Lancaster County Municipal Waste Management Plan of 1990 (the "1990 Plan"), which provides for the establishment and implementation by certain municipalities of source-separation and collection programs for recyclable materials in order to conform to Act 101 and to support and maintain the System. The Township of Pequea has ratified the 1990 Plan and has engaged with the County in mutual and beneficial cooperation and coordination under the 1986 Plan and the Intermunicipal Agreement, establishing an effective, efficient, reliable and environmentally safe system for the storage, collection, transportation, processing and disposal of municipal waste. It is desirable and appropriate to continue such cooperation by implementing a recycling program which is consistent with the 1990 Plan, the Intermunicipal Agreement, the System and Act 101.

Section 3. Definitions. Any capitalized term, if not defined in this Ordinance, shall have the meaning as from time to time set forth in Act 97, Act 101 or the LCSWMA Rules and Regulations. In addition, as used in this Ordinance, the following terms shall have the following meanings: .

ACT 97 - The Solid Waste Management Act, Act of July 7, 1980, P.L. 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 CANS - 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.

COMMENCEMENT DATE - October 1, 1995, the date upon which the Township's mandatory Recycling program begins.

COMMINGLED - Recyclable Materials (a) which have been segregated from Regulated Municipal Waste but have not been separated into different types of Recyclable Materials and (b) 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.

CUSTOMER- A Person who 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 Section 8 of this Ordinance. .

EXISTNG CONTRACT - Any contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Recyclable Materials generated or located within the Township which (a) was legally entered into prior to the effective date of this Ordinance and (b) when entered into was legally enforceable.

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 designed 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 (a) is in possession of all applicable local, state and federal permits, (b) is operating in accordance with all applicable local, state and federal laws and regulations, and (c) provides LCSWMA with such data and information as LCSWMA requests, including without limitation (i) the quantity, type, source and date of receipt of Solid Waste or Source Separated Recyclable Materials that were generated in Lancaster County and delivered to the site, (ii) proof that the site is in compliance with (a) and (b) above, and (iii) in the case of Source Separated Recyclable Materials, proof that all such materials received at the site are, in fact, recycled.

GLASS, CLEAR - Clear Glass consists only of clear food and beverage containers made of glass, of one (1) 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 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 (1) 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 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 (a) the Township and (b) LCSWMA, for the collection, transportation, storage or disposal of Solid Waste or Recyclable Materials.

MULTIFAMILY UNIT - A property with eight (8) or more Residential Units, including without limitation, apartment complexes, retirement homes and mobile home parks.

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

PERSON - Any individual, firm, partnership, corporation, association, estate, trust, 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.

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 Township. For Multifamily Units, the term Recycling Container shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has adequate strength for lifting.

REFUSE - All Regulated Municipal Waste except the following categories of solid waste:

(a) Construction/Demolition Waste.

(b) Nonprocessable Refuse.

(c) Putrescible Waste.

(d) Uncompactible Waste.

(e) Special Handling Waste.

(f) Household Hazardous Waste.

(g) Source Separated Recyclable Materials.

(h) Unacceptable Waste.

(i) Oversized Refuse Items.

REFUSE CONTAINER - A receptacle which is (a) 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 (b) a polyethylene bag which (i) is specifically designed for storage and collection, (ii) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (iii) has a holding strength capable of withstanding normal stresses until it is collected.

REGULATED MUNICIPAL WASTE - Any solid waste generated or collected within the Township which is garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from Community Activities and any Sludge which is not Residual 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.

RESIDENTIAL UNIT - Any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a multifamily building containing seven (7) or fewer units, excluding farms.

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. .

TOWNSHIP - The Township of Pequea, Lancaster County, Pennsylvania.

TOWNSHIP'S POLICIES AND PROCEDURES - The rules and regulations adopted and revised from time to time by the Township which govern and pertain to (a) the Township's Recycling program and (b) the collection, storage or transportation of Regulated Municipal Waste within the Township.

WHITE GOODS - Large appliances including clothes washers and dryers, dishwashers, refrigerators and freezers, stoves and ovens, hot water heaters, air conditioners, and similar appliances.

YARD WASTE - All garden residues, leaves, grass clippings and sod.

Section 4. Mandatory Recycling. All Persons within the Township who own or occupy Residential Units or Multifamily Units shall Source Separate Designated Recyclable Materials.

Section 5. Collection, Transportation and Disposal. Each Person who owns or occupies a Residential Unit or Multifamily Unit within the Township shall insure that Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Unit or Multifamily Unit are (a) Source Separated and (b) collected, transported and disposed of in accordance with this Ordinance, the Township's Policies and Procedures, and the LCSWMA Rules and Regulations.

Section 6. Responsibility of Residential Units. Each Person who owns or occupies a Residential Unit shall provide proper collection, transportation and disposal of Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Unit by utilizing a Licensed Hauler to collect and transport such materials to a Facility or by themselves transporting such materials to a Facility.

Section 7 Responsibilities of Multifamily Units.

1) Each Person who owns or occupies a Multifamily Unit shall provide proper collection, transportation and disposal of Regulated Municipal Waste and Designated Recyclable Materials by utilizing a Licensed Hauler to collect and transport such materials to a Facility.

2) Each Person who owns a Multifamily Unit 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; and

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

Section 8. Designated Recyclable Materials.

1. Each Person who owns or occupies a Residential Unit shall Source Separate the following Recyclable Materials:

A. Newsprint.

B. Clear Glass.

C. Colored Glass.

D. Aluminum Cans.

E. Steel and Bimetallic Cans.

F. Yard Waste and Leaves.

G. Tires.

H. 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 Cans.

D. Steel and Bimetallic Cans.

Section 9 Storage of Regulated Municipal Waste and Designated Recyclable Materials by Residential Units and Multifamily Units.

1. General Regulations.

A. All Regulated Municipal Waste and Recyclable Materials shall be stored so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

B. A sufficient number of containers shall be provided by generators to contain all Regulated Municipal Waste and Recyclable Materials generated during periods between regularly scheduled collections as may be necessary to meet the requirements of paragraph (A) of this Section 9.1.

C. Licensed Haulers shall supply each Residential Unit with a Recycling
Container which shall be provided by the Township. Recycling Containers for Multifamily Units shall be provided either by the Owner or the Licensed Hauler.

D. All storage shall, at a minimum, conform to the requirements of all applicable Federal, State and local laws and regulations.

E. Each Person having Regulated Municipal Waste or Designated Recyclable Materials shall provide themselves with approved Refuse and Recycling Containers and shall place and keep all Regulated Municipal Waste and Designated Recyclable Materials therein. Solid Waste of a nondecomposable nature and Rubbish may be stored in tightly secured bundles of such size to be readily handled at time of collection and so as to minimize litter.

F. Nonprocessable Refuse shall be stored so that collection of water and harborage of rodents are prevented,

G. Containers shall be stored on the property where the Regulated Municipal Waste and Designated Recyclable Materials are generated.

H. Regulated Municipal Waste and Source-Separated Recyclable Materials from Residential Units shall not be stored at curbside prior to collection.

I. 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.

2. Disposable Containers. Disposable Refuse Containers such as paper and polyethylene bags shall be acceptable for storage of Regulated Municipal Waste provided the following conditions are met:

A. Only those bags specially designed for storage and collection shall be used.

B. Bags shall be protected against precipitation, animal damage and overloading to prevent littering or attracting of vectors.

C. Bags shall have a holding strength capable of withstanding stresses until they are collected.

D. Bag openings shall be securely closed prior to setting out for collection.

3. Recycling Containers.

A. Individual Recycling Containers utilized for the collection of Recyclable Materials at Residential Units shall comply with the following requirements:

(1) The container shall be a container delivered by a Licensed Hauler which is provided by the Township made of rigid plastic construction, with a capacity of not more than twenty (20) gallons.

(2) Title to individual Recycling Containers shall remain in the Township

(3) The Township shall replace any Recycling Containers which are damaged when the damaged container is returned to the Township. Stolen or lost containers will be replaced for a fee.

B. Bulk Recycling Containers utilized for the storage of Recyclable Materials at Multifamily Units shall comply with the following requirements:

(1) The container shall be constructed of plastic, metal or fiberglass and shall be suitable for such purpose.

(2) Title to bulk Recycling Containers shall remain in the Owner or the Licensed Hauler.

Section 10. Preparation of Regulated Municipal Waste and Designated Recyclable Materials.

1. All Persons within the Township owning or occupying Residential Units or Multifamily Units are required to Source Separate all Designated Recyclable Materials..

2. All Regulated Municipal Waste and Designated Recyclable Materials shall be drained free of liquids before storage.

3. All cans, bottles or other food containers shall be rinsed free of food particles and drained before storage.

4. Newsprint shall be tied in bundles or placed in paper grocery bags.

Section 11. Licensing of Haulers.

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

2, Every person desiring a license under this Ordinance shall make application to the Township. 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, whether any licenses have been revoked by LCSWMA or any other municipality which requires licensing of haulers, a description of the method of collection and a description of the place and method of disposal. All applications shall be accompanied by the license fee set by Ordinance or Resolution.

3. Applicants for a license to operate as a Licensed Hauler within the Township 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 Resources and LCSWMA and with all Township Ordinances and the Township's 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. To the extent permitted by law, all disposal of Solid Waste other than Designated Recyclable Materials shall be at a LCSWMA Facility.

E. All Designated Recyclable Materials shall be delivered to a Facility and shall not be disposed of as waste.

F. Liability, motor vehicle and workers' compensation insurance has been obtained for the applicant's proposed operation in the Township. A certificate of insurance demonstrating workers' compensation coverage at statutory limits and liability and motor vehicle insurance, with types and amounts of at least that required by LCSWMA, for property damage and personal injury shall be provided. The Township shall be named as an additional insured on such policies of insurance.

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

4. All licenses shall be issued for a period of one (1) year, commencing October 1 and expiring the following September 30.

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

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

B. Violating any of the provisions of this Ordinance, the Township's Policies and Procedures or LCSWMA Rules and Regulations.

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

D. Scavenging.

6. Any Licensed Hauler whose license has been suspended or revoked shall refund all sums collected in advance for collection services which have not yet been provided.

7. 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 Board of Supervisors. The appeal shall be made in writing within ten (10) days after such determination has been made. The appeal shall be verified by an affidavit and shall be filed with the Township 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 Board of Supervisors, 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 Board of Supervisors.

8. Licenses are not transferable to any other Person.

Section 12. Collection and Transportation of Regulated Municipal Waste and Designated Recyclable Materials.

1. Residential Units.

A. No Person other than a Licensed Hauler shall collect or transport Regulated Municipal Waste or Designated Recyclable Materials generated in any Residential Unit; provided, however, that a Person may transport to a Facility such Regulated Municipal Waste or Designated Recyclable Materials generated at such Person's residence.

B. Each Licensed Hauler who provides regularly scheduled service for the collection of Regulated Municipal Waste from a Residential Unit shall also collect Designated Recyclable Materials, except for Leaves, White Goods and Tires, from such Residential Unit on the same day. Each Licensed Hauler shall establish and notify each customer of the procedures for the Source

Separation, segregation and packaging of Regulated Municipal Waste and Designated Recyclable Materials. Such procedures shall permit commingling of all Aluminum Cans, Clear Glass, Colored Glass and Steel and Bimetallic Cans in a single recycling container. Newsprint shall either be bagged or bundled in accordance with instructions from the Licensed Hauler to the customer. Each Licensed Hauler shall schedule collections for Yard Waste and Leaves, Tires and White Goods at least twice annually and shall give customers at least thirty (30) days' advance notice of the schedule for such collections.

C. Each Licensed Hauler shall submit monthly reports to the Township, on forms provided by the Township, on or before the fifteenth (15th) day of the month concerning the Regulated Municipal Waste and Designated Recyclable Materials collected in the preceding month.

D. Recycling Containers for Residential Units shall be provided by the Township which shall retain title to all such Recycling Containers. Licensed Haulers shall distribute Recycling Containers to all of their Residential Unit customers in accordance with guidelines to be established by the Township.

2. Multifamily Units.

A. No Person other than a Licensed Hauler shall collect or transport Regulated Municipal Waste or Designated Recyclable Materials generated in any Multifamily Unit.

B. Each Licensed Hauler who provides regularly-scheduled service for the collection of Regulated Municipal Waste from a Multifamily Unit shall also collect Designated Recyclable Materials, except for Leaves, White Goods and Tires, from such Multifamily Unit on the same day.

C. Each Licensed Hauler shall submit monthly reports to the Township, on forms provided by the Township, on or before the fifteenth (15th) day of the month concerning the Designated Recyclable Materials collected in the preceding month.

3. General Regulations.

A. All Regulated Municipal Waste and Designated Recyclable Materials generated or collected in the Township 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.

B. 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 Section 12.3.

C. Each Licensed Hauler shall give written notice to each customer of such Licensed Hauler's obligations under this Ordinance, its collection schedule and particularly the requirement to offer collection service for Designated Recyclable Materials.

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

1) Newsprint, Aluminum Cans, Steel and Bimetallic Cans, Clear Glass and Colored Glass shall be collected on the same day as Regulated Municipal Waste is collected.

2) Collection of Regulated Municipal Waste and Source Separated Recyclable Materials from Residential Units shall occur on Mondays through Saturdays between the hours of 5:00 a.m. and 6:00 p.m., prevailing time. Collection of Regulated Municipal Waste and Source Separated Recyclable Materials from Multifamily Units shall occur on Mondays through Saturdays between the hours of midnight and 6:00 p.m., prevailing time. Missed pickups and collection days which fall on legal holidays shall be made up on any day except a Sunday. Collection shall not be permitted on a Sunday.

3) Licensed Haulers shall provide for the collection of Tires, White Goods, Yard Waste and Leaves at least twice annually on any day except a Sunday. Each customer shall make arrangements with such Person's Licensed Hauler for collection of these items.

4) 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.

Section 13. Illegal Dumping. 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 on the property on which such Waste was generated or other property as licensed by the Township.

Section 14. Scavenging. From the time of placement for collection of any Designated Recyclable Materials, all such Designated Recyclable Materials shall be the property of the generator or the Licensed Hauler who has contracted to provide collection. It shall be a violation of this Ordinance for any Person, other than such 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.

Section 15. Unauthorized Collection. It shall be a violation of this Ordinance for any Person, unlicensed by the Township, to collect or pick up, or cause to be collected or picked up, any Solid Waste within the Township. Each such collection shall constitute a separate and distinct offense.

Section 16. Existing Contracts.

1. Nothing in this Ordinance shall be construed to impair the obligations of any Existing Contract.
2. 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 Ordinance unless such renewal or modification or new contract shall conform to the requirements of this Ordinance and the Township's Policies and Procedures.

Section 17. Authorization of Township. The Township shall have the power to establish 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, including fixing of monetary bonds to be posted and (b) any other matters deemed necessary or convenient by the Township. In the event of suspension or revocation of any license which is issued by the Township or LCSWMA, the Person whose license is suspended or revoked shall refund to each Customer any prepaid fees.

Section 18. 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 Ordinance or any provision of the Township's Policies and Procedures. All unlawful conduct shall also constitute a public nuisance.

Section 19. Penalty. Any Person violating any provision of this Ordinance or any provision of the Township'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 Ordinance and each day that a violation continues shall be deemed a separate offense.

Section 20. Persons Liable. For purposes of the obligations established by this Ordinance or the Township's Policies and Procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "Person", "Customer", "Residential Unit", and "Multifamily Unit" shall (a) include officers, directors and partners of any corporation, partnership or other legal entity having officers, directors or partners and (b) refer to, and impose joint and several liability upon, both (i) the persons residing in or occupying any such Residential or Multifamily Units and (ii) the owner, landlord, condominium owners' association and/or agent of an owner, landlord or condominium owners' association of such premises.

Section 21. Injunctive Relief. In addition to any other remedy provided in this Ordinance, the Township may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance and/or the Township's Policies and Procedures.

Section 22. Concurrent Remedies. The penalties and remedies set forth in this Ordinance are in addition to, not in lieu of, any fines, penalties, or remedies provided in the Township's Policies and Procedures. The existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided under this Ordinance or the Township's Policies and Procedures or available at law or in equity.

Section 23. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be

illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 24. Effective Date. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Pequea as provided by law. Notwithstanding the foregoing, Sections 4, 5, 6, 7, 8, 9, 10, 11, 12 and 15 shall become effective October 1, 1995.

DULY ORDAINED AND ENACTED the 19th day of April, 1995, by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PEQUEA
Lancaster County, Pennsylvania

Attest: Patsy C. Davis
(Assistant) Secretary

By: Virginia K. Brady
(~~Vice~~) Chairman
Board of Supervisors

[TOWNSHIP SEAL]