PEQUEA TOWNSHIP

LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ___**223-2024**_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PEQUEA TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA REPEALING ORDINANCE NO. 94-1995, ESTABLISHING A RECYCLING PROGRAM WITHIN PEQUEA TOWNSHIP IN ACCORDANCE WITH THE LANCASTER COUNTY SOLID WASTE MANAGEMENT PLAN AND THE REQUIREMENTS OF ACT 101 OF THE COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended ("Act 97"), established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste; and

WHEREAS, pursuant to the requirements of Act 97 and the request of each municipality within Lancaster County ("County"), the Board of Commissioners of the County prepared and adopted the 1986 Lancaster County Solid Waste Management Plan ("1986 Plan"); and

WHEREAS, the 1986 Plan was (a) adopted by each municipality within Lancaster County and (b) approved by the Pennsylvania Department of Environmental Resources; and

WHEREAS, the 1986 Plan provided for a comprehensive and integrated County-wide system for solid waste management (the "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; and

WHEREAS, in order to implement the 1986 Plan and finance the System the County and each municipality within the County (a) enacted certain waste flow control ordinances and (b) entered into a joint cooperation agreement ("Inter-Municipal Agreement"); and

WHEREAS, the 1986 Plan (a) determined that it was in the public interest for solid waste management and disposal to be a public function, (b) established the Lancaster County Solid Waste Management Authority ("LCSWMA") and (c) designated LCSWMA as the public agency responsible for designing, financing, constructing and operating the System; and

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101 ("Act 101") was approved on July 28, 1988; and

WHEREAS, Act 101 gave certain municipalities, including Pequea Township ("Municipality") the responsibility for developing and implementing within their boundaries a source separation and collection program for recyclable materials; and

WHEREAS, pursuant to Act 101 and the request of the County Board, LCSWMA has prepared (as a revision to the 1986 Plan) the Lancaster County Municipal Waste Management Plan of 1990 (the "1990 Plan") and a system for the collection of municipal waste; and

WHEREAS, the 1990 Plan 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; and

WHEREAS, Pequea Township has ratified the 1990 Plan; and

WHEREAS, Pequea Township and Lancaster County have (a) engaged in mutual and beneficial cooperation and coordination under the 1986 Plan and the Inter-Municipal Agreement and (b) have affected an effective, efficient, reliable and environmentally safe system for the storage, collection, transportation, processing and disposal of municipal waste; and

WHEREAS, pursuant to Act 101 and the request of the County Board, LCSWMA has prepared (as a revision to the 1990 Plan) the Lancaster County Municipal Waste Management Plan of 1999 (the "1999 Plan"); the Lancaster County Municipal Waste Management Plan of 2010 (the "2010 Plan"); and the Lancaster County Municipal Waste Management Plan of 2014 (the "2014 Plan"); and

WHEREAS, it is desirable and appropriate to continue such cooperation by implementing a recycling program and a municipal waste collection program which is consistent with the 1990 Plan, the 1999 Plan, the 2010 Plan, the 2014 Plan, the Inter-Municipal Agreement, the System and Act 101;

NOW, THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania, as follows:

Section 1. Definitions

Any capitalized term, if not defined in this Ordinance, shall have the meaning as from time to time set forth in the LCSWMA Rules and Regulations which are incorporated into this Ordinance by reference. 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.S. 380, No. 97, as now or hereafter amended.

"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.

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

"Battery Bags" - Bags which LCSWMA makes available to Generators of Municipal Waste and which shall be used as disposal containers for batteries which are generated in households.

"Commencement Date" - **January 22, 2024**, the date upon which the Municipality's recycling program and Permitted Collector program begin.

"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.

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

"Corrugated Cardboard" - Unbleached, non-waxed Kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and related products.

"Curbside" - The correct location for the placement of Refuse Containers and Recycling Containers for the purpose of collection by the Permitted Collector, which shall be (a) adjacent to the Residential Unit and (b) no more than five (5) feet from the public street used by collection vehicles.

"Customer" - A Person who independently contracts with a Permitted Collector for the collection of Regulated Municipal Waste and Designated Recyclable Materials.

"Designated Recyclable Materials" - Those Recyclable Materials designated in Section 6 of this Ordinance for Source Separation.

"Existing Contract" - Any contract for the storage, collection, transportation, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials generated or located within the Municipality which (a) was legally entered into prior to the effective date of this Ordinance and (b) when entered into was legally enforceable. Renewals of contracts, whether or not automatic, shall not be deemed Existing Contracts.

"Facility" - Any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which Solid Waste or Source Separated Recyclable Materials, or any portion of Solid Waste or Source Separated Recyclable Materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of Solid Waste or Source Separated Recyclable Materials.

"Farm" - A tract of land which is used for agricultural purposes.

"Generator" - A Person who produces or creates any Solid Waste.

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

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

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

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

"Household Hazardous Waste" - A portion of Municipal Waste that would be considered hazardous under Act 97 but for the fact that it is produced in quantities smaller than those regulated as Hazardous Waste under Act 97 and is generated by Persons not otherwise covered as Hazardous Waste Generators by Act 97. Household Hazardous Waste includes the following materials and other materials of a similar nature:

(i) Anti-freeze;

(ii) Batteries;

(iii) Chlorinated hydrocarbons;

(iv) Fluorescent light bulbs and other mercury-containing devices;

(v) Gasoline and kerosene;

(vi) Grease and rust solvents;

(vii) Oven, toilet and drain cleaners;

(viii) Paints, rust preventatives, stains and wood preservatives;

(ix) Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers;

(x) Photographic and pool chemicals;

(xi) Thinners, solvents and furniture strippers;

(xii) Transmission and brake fluids;

(xiii) Used oil or other hydrocarbon-based lubricants; and

(xiv) Wood, metal, rug and upholstery cleaners and polishes.

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

"LCSWMA Facility" - Any Facility owned or operated by or on behalf of LCSWMA.

"Litter" - Includes but is not limited to all waste material, garbage, trash or other substances of any nature which, if thrown, scattered or deposited as herein prohibited, tend to injuriously affect public health, safety and welfare or tend to have a detrimental impact on the environment.

"Manifest" - A form supplied by LCSWMA to be completed and signed by each Person who collects Solid Waste or Source Separated Recyclable Materials and which specifies, inter alia, (a) the source, type, quantity and delivery point for the Solid Waste or Source Separated Recyclable Materials, (b) the applicable license number and (c) other pertinent information.

"Multi-Family Unit" - A property which contains four (4) or more Residential Units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding Farms.

"Municipality" – Pequea Township, Lancaster County, Pennsylvania.

"Municipality's Policies and Procedures" - The rules and regulations adopted and revised from time to time by the Municipality which govern and pertain to (a) the Municipality's Recycling program and (b) the on-site collection or storage of Regulated Municipal Waste within the Municipality.

"Non-Residential Units" - All commercial, municipal and institutional establishments, all Community Activities and all Farms, excluding Residential Units and Multi-Family Units.

"Open Burning" - A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

"Permitted Collector" - A Person who is in possession of all pertinent permits and licenses which may be required by (a) the Commonwealth of Pennsylvania and LCSWMA for the off-site collection, transportation, storage or disposal of Solid Waste or Recyclable Materials and (b) the Municipality for the on-site collection of Solid Waste or Recyclable Materials generated within the Municipality.

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

"Plastics" - Recyclable Plastics consist of containers with a neck, which are primarily: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

"Recyclable Materials" - Any material which would be Regulated Municipal Waste but for Source Separation and which will be processed into raw materials or products or which are beneficially reused.

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

"Recycling Container" - For Residential Units, the term **"**Recycling Container**"** shall refer to the container supplied by the Municipality. For Multi-Family Units and Non-Residential Units, the term **"**Recycling Container**"** shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has adequate strength for lifting.

"Refuse Container" - A container which is (a) constructed of plastic, metal, or fiberglass, and which has handles of adequate strength for lifting and 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 Municipality which is garbage, refuse, industrial lunchroom or office waste and other material,

including solid, liquid, semi-solid or contained gaseous materials, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of Residual Waste or Hazardous Waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include Designated Recyclable Materials or Unacceptable Waste.

"Residential Unit" - Any single-family detached, semi-detached or townhouse dwelling, or a dwelling unit within a building containing three or fewer dwelling units, excluding Farms.

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

"Scavenging" - The removal of Designated Recyclable Materials in violation of Section 10 of this Ordinance.

"Single Stream" - A system where Recyclable Materials – Corrugated Cardboard, Plastic Bottles and Jugs with a Neck, Metal Food and Beverage Cans, and Glass Bottles and Jars – are collected and processed together.

"Solid Waste or Waste" - Any waste, including but not limited to Municipal, Residual, or Hazardous Wastes, including solid, liquid, semisolid or contained gaseous materials.

"Source Separate" or "Source Separation" - The process of separating, or the separation of, Designated Recyclable Materials from other Solid Waste at the location where generated for the purpose of Recycling.

"Steel Cans" - The ferrous metal food or beverage containers commonly known as tin cans.

"Tires" - Any pneumatic rubber automobile, truck, or farm implement tire.

"Unacceptable Waste" - The following types of Solid Waste are Unacceptable Waste unless approved by LCSWMA on a case-by-case basis:

(i) Chemotherapeutic Waste;

(ii) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue;

(iii) Explosives and Ordnance Materials;

(iv) Gas cylinders, unless empty and delivered separate from other Solid Waste;

(v) Hazardous Waste;

(vi) Infectious/Pathological Waste; and

(vii) Radioactive Materials.

"White Goods" - A portion of Regulated Municipal Waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

"Yard Waste" - All garden residues, leaves, shrubbery, tree trimmings, and similar materials.

Section 2. Mandatory Recycling

All Persons within the Municipality shall Source Separate Designated Recyclable Materials generated by such Person or generated within a Residential Unit, Multi-Family Unit or Non-Residential Unit occupied by such Person.

Section 3. On-Site Collection and Disposal

Each Person who owns or occupies a Residential Unit, Multi-Family Unit or Non-Residential Unit within the Municipality shall ensure that Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Unit, Multi-Family Unit or Non-Residential Unit are collected and disposed of in accordance with this Ordinance, the Municipality's Policies and Procedures, and the LCSWMA Rules and Regulations.

Section 4. Responsibilities of Residential Units

Each Person who owns or occupies a Residential Unit shall provide proper collection and disposal of Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Units by either (a) themselves delivering such materials to a Facility or (b) utilizing a Permitted Collector to collect and deliver such materials to a Facility.

Section 5. Responsibilities of Non-Residential and Multi-Family Units

(a) Each Person who owns or occupies a Non-Residential Unit or Multi-Family Unit shall provide proper collection and disposal of Regulated Municipal Waste and Designated Recyclable Materials by either (a) themselves delivering such materials to a Facility or (b) utilizing a Permitted Collector to collect and deliver such materials to a Facility.

(b) Each Person who owns a Multi-Family Unit or Non-Residential Unit shall:

(i) provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials;

(ii) provide written instructions to all Persons occupying each Multi-Family Unit and Non-Residential Unit to ensure that all Designated Recyclable Materials are Source Separated; and

(iii) provide collection and delivery to a Facility of Source Separated Designated Recyclable Materials at a frequency of not less than once per month.

(c) Each person who owns or occupies a Non-Residential Unit shall arrange for proper recycling of office paper, which shall not be commingled with Designated Recyclable Materials.

Section 6. Designated Recyclable Materials

(a) Each Person who owns or occupies a Residential Unit shall Source Separate Designated Recyclable Materials for the purpose of Single Stream recycling. Yard Waste, Tires, and White Goods must also be source separated for recycling and may require separate collection and/or an additional service tag per the Municipality's Policies and Procedures. Materials defined as Recyclable Materials are designated from time to time, per LCSWMA's Rules and Regulations, and adopted in the Municipality's Policies and Procedures.

(b) Each Person who owns or occupies a Multi-Family Unit shall source Separate Designated Recyclable Materials for the purpose of Single Stream recycling. Yard Waste, Tires, and White Goods must also be source separated for recycling and may require separate collection and/or an additional service tag per the Municipality's Policies and Procedures. Materials defined as Recyclable Materials are designated from time to time, per LCSWMA's Rules and Regulations, and adopted in the Municipality's Policies and Procedures.

(c) Each Person who owns or occupies a Non-Residential Unit shall Source Separate Designated Recyclable Materials for the purpose of Single Stream recycling. Yard Waste, Tires, and White Goods must also be source separated for recycling and may require separate collection and/or an additional service tag per the Municipality's Policies and Procedures. Materials defined as Recyclable Materials are designated from time to time, per LCSWMA's Rules and Regulations, and adopted in the Municipality's Policies and Procedures.

Section 7. On-Site Collection of Regulated Municipal Waste and Designated Recyclable Materials

(a) Residential

(i) No Person other than a Permitted Collector shall collect on-site Regulated Municipal Waste or Designated Recyclable Materials generated in any Residential Unit, except that a Person may deliver to a Facility such Waste or Designated Recyclable Materials which was generated at such Person's residence.

(ii) Each Permitted Collector who provides regularly scheduled service for the collection of Regulated Municipal Waste from a Residential Unit shall also collect Designated Recyclable Materials from such Residential Unit. Each Permitted Collector shall establish, and notify each Customer, of procedures for the Source Separation, segregation and packaging of Regulated Municipal Waste and Designated Recyclable Materials. Such procedures shall permit commingling of all Corrugated Cardboard, Plastic Bottles and Jugs with a Neck, Metal Food and Beverage Cans, and Glass Bottles and Jars ("Designated Recyclable Materials") in a single Recycling Container. Each Permitted Collector shall schedule collections for Tires, White Goods, and Yard Waste at least once annually and shall give Customers at least 30 day advance notice of the schedule for such collections. Recyclable materials shall be collected by the Permitted Collector at least once per month.

(iii) Each Permitted Collector shall complete monthly LCSWMA Manifests, as required, reporting the amount of Regulated Municipal Waste and Designated Recyclable Materials collected in the Municipality. Each Permitted Collector shall submit copies of LCSWMA Manifests to the Municipality, upon request.

(iv) The schedule for collection of Regulated Municipal Waste and Designated Recyclable Materials shall be as specified in the Municipality's Policies and Procedures.

(v) Recycling Containers for Residential Units will be provided by the Municipality which shall retain title to all such Recycling Containers. Permitted Collectors shall distribute Recycling Containers to all of their Residential Unit Customers in accordance with guidelines to be established by the Municipality.

(b) Non-Residential and Multi-Family Units

(i) No Person other than a Permitted Collector shall collect on-site Regulated Municipal Waste or Designated Recyclable Materials generated in any Non-Residential or Multi-Family Unit.

(ii) Each Permitted Collector that collects on-site Designated Recyclable Materials generated in any Non-Residential or Multi-Family Unit shall complete monthly LCSWMA Manifests, as required, reporting the amount of Regulated Municipal Waste and Designated Recyclable Materials collected in the Municipality. Recyclable materials shall be collected by the Permitted Collector at least once per month.

(iv) High grade office paper, aluminum, and cardboard shall be collected by the Permitted Collector from commercial, institutional, and municipal facilities, as well as from community activities.

(c) General

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

(ii) No Permitted Collector who collects or disposes of Regulated Municipal Waste or Designated Recyclable Materials shall, by contract or otherwise, cause, permit or assist in the storage, collection, processing or disposal of Designated Recyclable Materials in a manner which treats such materials as Regulated Municipal Waste or which is otherwise inconsistent with Source Separation or Recycling. Any delivery of Designated Recyclable Materials to a LCSWMA Facility in accordance with the LCSWMA Rules and Regulations shall be deemed to satisfy the requirements of this Section 7(c)(ii).

(iii) Each Permitted Collector shall give written notice to each Customer of such Permitted Collector's obligations under this Ordinance and particularly the requirement to offer collection services for Designated Recyclable Materials.

(iv) Each Permitted Collector shall collect and deliver, separately to a LCSWMA Facility battery drop-off location, all Battery Bags placed at Curbside by Residential Units.

Section 8. Collector Permits

(a) All Persons who desire to collect on-site, store, process or dispose of Regulated Municipal Waste or Designated Recyclable Materials within the Municipality shall obtain a Collection Permit from the Municipality prior to performance of any such activities.

(b) Every Person desiring a Collection Permit under this Ordinance shall make application to the Municipality. Such application shall include the name and address of the Person making application, proof of a valid license issued by LCSWMA and the Commonwealth of Pennsylvania, identification of other municipalities which have permitted that Person, and whether any licenses have been revoked by LCSWMA or any other municipality which requires permitting of haulers.

(c) Applicants for a Collection Permit to operate as a Permitted Collector within the Municipality shall demonstrate that:

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

[ii] Applicant's operation is in conformity in all respects with the rules and regulations of the Pennsylvania Department of Environmental Protection (PADEP), LCSWMA, and all Municipality Ordinances and the Municipality Policies and Procedures.

[iii] Regulated Municipal Waste and Designated Recyclable Materials shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors, or the creation of other nuisances.

[iv] All disposal of Regulated Municipal Waste other than Designated Recyclable Materials shall be at a Facility.

[v] All Designated Recyclable Materials shall be recycled and shall not be disposed of as Regulated Municipal Waste.

[vi] Insurance shall be obtained for the applicant's proposed operation in the Municipality. A certificate of insurance demonstrating limits as follows:

A. Required Vehicle Liability Insurance - The minimum liability insurance required under State Law.

B. General Liability - Bodily injury, $100,000 per occurrence, and property damage, $100,000 per occurrence.

C. Worker's Compensation - As required by law.

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

(d) All Municipality Collection Permits shall be issued for a period of one (1) year or longer. The Municipality's Policies and Procedures may designate a sticker or other mechanism to be affixed to all collection equipment in order to verify that the equipment is properly permitted.

(e) Collection Permits may be suspended or revoked by the Municipality at any time for just cause. Just cause shall include, but not be limited to, where the Permitted Collector:

[i] Fails to maintain a valid license issued by LCSWMA;

[ii] Violates any of the provisions of this Ordinance or the Municipality's Policies and Procedures;

[iii] Improperly disposes of Designated Recyclable Materials or Regulated Municipal Waste;

[iv] Scavenges;

[v] Fails to perform in good faith all the terms of any agreement entered into with Municipality Customers or Other Customers; or

[vi] Fails to timely collection Municipal Solid Waste or Designated Recyclable Materials.

(f) Any Person who has been denied a Collection Permit or whose Collection Permit has been suspended or revoked may appeal the denial, suspension or revocation to the Municipality pursuant to the process set forth in the Municipalities Policies and Procedures. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the Municipality Secretary. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by set forth in the Municipalities Policies and Procedures y, and no appeal shall be considered complete without the payment of the appeal fee. A prompt decision on such appeal shall be made by the Municipality. Filing of an appeal does not stay the action by the Municipality.

(g) Collection Permits are not transferable to any other Person.

Section 9. Illegal Dumping and Open Burning

(a) No Person shall store, process or dispose of any Regulated Municipal Waste or Designated Recyclable Materials except at a Facility. Notwithstanding the foregoing or Section 6, Yard Waste or similar vegetative matter may be composted to the extent and in the manner provided in the Municipality's Policies and Procedures on the property on which such Yard Waste was generated.

(b) No Person shall process or dispose of any Designated Recyclable Materials, including yard waste as defined in Section 1, through Open Burning. This subsection (b) shall not prohibit open burning on agricultural properties.

Section 10. Litter

(a) No Person shall throw, scatter, deposit or sweep litter into any public place, such as a street, sidewalk, park or playground, nor onto any private property, except in authorized receptacles.

(b) No person shall throw, scatter or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the Municipality.

Section 11. 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 Permitted Collector who has contracted to provide on-site collection. It shall be a violation of this Ordinance for any

Person, other than such Permitted Collector, to collect or pick up, or cause to be collected or picked up, any such Designated Recyclable Materials.

Section 12. Existing Contracts

(a) Nothing in this Ordinance shall be construed to impair the obligations of any Existing Contract.

(b) No renewal or modification of any Existing Contract, and no new contract for the storage, on-site collection, processing or disposal of Regulated Municipal Waste or Designated Recyclable Materials, shall be entered into after the effective date of this Ordinance unless such renewal or modification or new contract shall conform to the requirements of this Ordinance and the Municipality's Policies and Procedures.

(c) No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Section 2 shall provide for on-site collection services for Regulated Municipal Waste to be performed after the Commencement Date unless on-site collection services are also offered for Designated Recyclable Materials. With respect to any contract which violates this Ordinance, such contract shall be deemed void and the Permitted Collector that is a party to such contract (a) shall reimburse to the applicable Residential Units and Multi-Family Units any funds which have been paid for such on-site collection services as violate this Ordinance and (b) shall not collect or attempt to collect any funds for such collection services as violate this Ordinance.

Section 13. Authorization of Municipality

Pequea Township shall have the power to issue the Municipality's Policies and Procedures governing all matters set forth in this Ordinance and any other related matters deemed necessary or convenient by the Municipality. The Municipality's Policies and Procedures shall be effective when issued in writing and signed by the Secretary of Pequea Township. Pequea Township shall have the power to establish record and reporting requirements, and standards and procedures for the issuance, administration and revocation of permits, as deemed necessary, including without limitation, (a) application procedures and standards and conditions for permits, (b) the fixing of a monetary bond, with or without surety, to secure the compliance by any Permitted Collector with any such requirements, standards or procedures, and (c) any other matters deemed necessary or convenient by the Municipality. In the event of suspension or revocation of any permit which is issued by the Municipality and/or license issued by LCSWMA, the Person whose permit or license is suspended or revoked shall refund to each Customer the applicable pro rata portion of any prepaid fees.

Section 14. 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. All unlawful conduct shall also constitute a public nuisance.

Section 15. Penalty

Any Person violating any provision of this Ordinance, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not more than $1,000.00 in accordance with Section 1601 (c.1)(2) of the Second Class Township Code and costs of prosecution and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Each violation of any provision of this Ordinance, and each day that such a violation shall exist, shall constitute a separate violation and offense. Responsibility for enforcement of this Ordinance and all other regulations of the Municipality pertaining to Solid Waste and Recycling shall rest with Pequea Township.

Section 16. Persons Liable

For purposes of the obligations established by this Ordinance or the Municipality's Policies and Procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms **"**Person**"**, **"**Residential Unit**"**, **"**Multi-Family Unit**"** and **"**Non-Residential Unit**"** shall (a) include officers and directors of any corporation or other legal entity having officers and directors and (b) refer to, and impose joint and several liability upon, both (i) the person residing in or occupying any such Residential, Multi-Family or Non-Residential Units and (ii) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises.

Section 17. Injunctive Relief

In addition to any other remedy provided in this Ordinance, Pequea Township may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance.

Section 18. Concurrent Remedies

The existence or exercise of any remedy provided by this Ordinance shall not prevent Pequea Township from exercising any other remedy available at law or equity.

Section 19. Prior Ordinances

Any other Ordinances which pertain to Regulated Municipal Waste or Designated Recyclable Materials, particularly Ordinance No. 94-1995, are hereby repealed to the extent of any inconsistency with this Ordinance.

Section 20. 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 Municipality 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 21. Effective Date

This Ordinance shall take effect five (5) days from the date of adoption, in accordance with Section 1601 of the Second-Class Township Code.

DULY ORDAINED AND ENACTED the 17th day of January, 2024 by the Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

Harry D. Lehman

Chairman, Pequea Township Board of Supervisors

Attest:

Kimberly S. Ulaky

Secretary

Seal