

UPPER DARBY TOWNSHIP

ORDINANCE NO. 2972, AS AMENDED

AN ORDINANCE OF UPPER DARBY TOWNSHIP , DELAWARE COUNTY, PENNSYLVANIA PROHIBITING THE MIXING OF LEAF AND OTHER MUNICIPAL WASTE GENERATED AT RESIDENTIAL DWELLINGS WITH CERTAIN RECYCLABLE MATERIALS; ESTABLISHING A PROGRAM FOR THE COLLECTION OF RESIDENTIAL AND COMMERCIAL WASTE AND SINGLE STREAM RECYCLABLE MATERIALS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ORDINANCE AND RESOLUTIONS INCONSISTENT HEREWITH.

Upper Darby Township hereby ordains:

Section 1. Definitions.

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where context clearly indicates otherwise:

"Aluminum Cans" shall mean empty all-aluminum beverage and food containers, excluding products such as pie pans and aluminum foil.

"Bi-metallic Cans" shall mean empty food or beverage cans consisting of steel and/or aluminum.

"Bulk Trash" shall mean white goods, other larger appliances and any other items that cannot be disposed of with refuse.

"Commercial Establishments" shall mean those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four (4) dwelling units.

"Commercial Landlord" shall mean the owner of any Commercial Establishment.

"Community Activities" shall mean events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events.

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

"Dwelling Unit" shall mean any permanent structure or portion of any permanent structure utilized as a residence by persons within the Township.

"Entity" shall mean any legal entity, including, but not limited to, any corporation, company, partnership, or trust, whether limited, limited liability, or otherwise.

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

"Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include food-processing wastes from canneries, packing plants or similar industries, nor large quantities of condemned food products.

"Hazardous Materials" shall include oil, paint, flammable liquids, asphalt, explosives, solvents, pathological wastes and any other material deemed hazardous by any federal, state or local law.

"Head of Household" shall mean any person responsible for and occupying a Dwelling Unit.

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

"Household Income" shall mean all income received by all residents of a Dwelling Unit during the calendar year immediately preceding the calendar year in which a charge hereunder is due and payable.

"Institutional Establishment" shall mean those facilities that house or serve groups of people such as hospitals, public and private schools, day care centers and nursing homes.

"Leaf Waste" shall mean leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but not include grass clippings.

"Municipal Establishments" shall mean public facilities operated by the municipality and other governmental and quasi-governmental authorities, including public and private schools.

"Municipal Waste" shall mean any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities.

"Paper Products" shall include newspapers, magazines and periodicals, catalogs, telephone directories, junk mail and paperback books. Cardboard and paper boxes or paper products chemically coated shall not be considered Paper Products for the purpose of this Ordinance.

"Person" shall mean a natural person; provided, however, that in any provision of this Ordinance prescribing a fine, imprisonment or a penalty, or any combination of the foregoing,

"Person" shall include the officers, directors, managers or members, as the case may be, of any entity.

"Plastics" shall mean narrow necked plastic bottles numbered 1 or 2. The term Plastics shall exclude all plastic bags.

"Recyclables" shall mean material having an economic value in a secondary materials market, including the following materials: Aluminum Cans, Bi-metallic Cans; Glass Containers; Corrugated Paper; Paper Products; Plastics and Steel Cans.

"Refuse" shall mean Garbage and Rubbish.

"Residential Building" shall mean any permanent structure in the Township containing no more than four (4) Dwelling Units.

"Residential Landlord" shall mean the owner of any Residential Building containing multiple Dwelling Units.

"Rubbish" shall mean all waste materials except Garbage, Ashes, building rubbish from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery, vehicles or other waste materials not commonly produced in homes, stores or institutions.

"Steel Cans" shall mean empty steel or tin-coated steel food or beverage containers.

"Township" shall mean Upper Darby Township.

Section 2. Refuse Collection.

(a) Refuse accumulated in Residential Buildings shall be collected, conveyed and disposed of by the Township. The cost of such service shall be paid by property owners as provided herein.

(b) The Mayor and Administration are authorized to make regulations concerning the days of collection, type and location of waste controls and such other matters pertaining to the collection and disposal of Refuse as they may deem appropriate, and to change and modify same after notice as required by law, provided that such regulations are not contrary to the provisions thereof. Any regulations in place as of the effective date of this Ordinance shall remain effective unless amended or repealed by the Mayor and Administration.

Section 3. Refuse Pre-collection Practices.

(a) Collection of Ashes, Rubbish and Garbage shall be made on the dates and at the times shown from time to time on the maps and set forth in the schedules on file in the Township office of the Department of Public Works.

(b) Rubbish must be placed in containers of metal or plastic construction which, together with the contents, shall not exceed forty (40) pounds in weight and shall be placed on the sidewalk near the curb in front of the Residential Building in such a manner as to not obstruct passage on the sidewalk or in the alleyway adjacent to the traffic lane, but not in a manner as to obstruct traffic through the alley.

(c) Rubbish may not be placed in the same container with ashes. Separate containers of metal or plastic construction must be used for such articles-

(d) Ashes may not be placed in paper bags or cardboard cartons.

(e) Should the regular date of collection fall on a legal holiday, Ashes and Rubbish may not be placed out for collection until the evening of such holiday, for collection the following working day.

(f) Residents must remove receptacles from the sidewalks or alleys, as the case may be, within twelve (12) hours after such receptacles are emptied.

(g) All Garbage must be drained of all liquid, sealed in plastic and stored in a covered, water-tight container with other types of Refuse.

(h) The amount of refuse from any one Dwelling Unit shall not exceed two hundred (200) pounds per week.

(i) Hazardous material are not acceptable for collection and shall not be placed in any container which include Refuse to be collected by the Township.

(j) Residents shall not place Refuse at any sidewalk or alley for collection more than eight (8) hours prior to the beginning of the day collection is scheduled.

Section 4. Refuse Collection Fees.

The fees for collection and disposal of Refuse shall be as follows:

- (a) The owner of record of any residential Building shall be charged the sum of One Hundred Thirty Dollars (\$130.00) per calendar year for each Dwelling Unit contained in said Residential Building.

[§4(a) as amended by Ordinance 2977, adopted 12/17/2008]

- (i) When it shall appear that the residents of any Dwelling Unit are also the owner of same, and are sixty five (65) years of age or older, and the Household Income of said Dwelling Unit is below Twelve Thousand Dollars (\$12,000), the fee set forth in the subsection (a) shall be reduced by Thirty Dollars (\$30.00).

- (ii) The residents of any Dwelling Unit within any Residential Building at which the Township is already collecting Refuse may arrange to have the Township collect Bulk-Trash for a fee of Ten Dollars (\$10.00) for each item. Arrangements for payment of this fee must be made with the Township in advance.
- (b) All Bills for the collection of Refuse shall be forwarded to the Person or Entity charged for the same at such time and in such manner as the bills for sewer rent are forwarded to such Person or Entity.
- (c) A penalty of ten percent (10%) shall be added to each bill if the same is not paid within for (4) months for its date of issue.
- (d) Such bills, together with penalties thereon, shall be a lien on the property served, and shall be entered as same and collection in the manner provided by law for the collection and filing of municipal claims.

Section 5. Recycling Program.

There is hereby established a mandatory collection program for Recyclables which are part of the Municipal Waste generated in the Township.

Section 6. Recyclables and Leaf Waste.

(a) The Mayor and Administration are authorized to make regulations concerning the days collection, type and location pertaining to the collection and disposal of recyclables as they may deem appropriate, and to change and modify same after notice as may be required by law, provided that such regulations are not contrary to the provisions thereof.

(b) All Persons and Entities shall separate Leaf Waste generated at Residential Dwellings from all Recyclables and Refuse and store same until collection, unless such Persons or Entities have otherwise provided for the composting of such Leaf Waste.

(c) All Persons or Entities shall store Recyclables until collection by the Township.

(d) Recyclables shall be placed in containers provided by the Township, which shall be placed upon the sidewalk to alley for collection no more than eight (8) hours prior to the beginning of the day collection is scheduled. Residents must remove such containers for the sidewalk or alley within twelve (12) hours after they are emptied. Should the regular date of collection fall on a legal holiday, Recyclables may not be placed out for collection until the evening of such holiday, for collection the following working day.

(e) Nothing contained herein shall transfer ownership of Recyclables for the person who generated them unless and until such Recyclables are placed at the sidewalk or alley for collection.

Section 7. Responsibilities of Commercial Landlords with regard to Recyclables and Refuse.

(a) Commercial Landlords shall be responsible to provide:

- (i) Suitable containers for collection of Refuse;
- (ii) Refuse disposal services;
- (iii) Suitable containers for collection of Recyclables;
- (iv) Recycling services for Recyclables;
- (v) Easily accessible locations for the aforementioned containers; and
- (vi) Written instructions to occupants and/or tenants concerning the use and availability of Refuse and Recyclables collection services.

(b) Commercial Landlords and Persons or Entities conducting Community Activities that generate Refuse must file, on a form provided by that Township, an annual report that lists the type and weight of Refuse that has been collected during the preceding calendar year. Said report must be filled with the Township on or before January 31st of each year.

(c) Commercial Landlords and Persons or Entities conducting Community Activities that generate Refuse must file, on a form provided by that Township, an annual report that lists the type and weight of Refuse that has been collected during the preceding calendar year. Said report must be filled with the Township on or before January 31st of each year.

Section 8. Collection of Recyclables by unauthorized Persons or Entities.

(a) From the time they are placed at the sidewalk or alley as provided herein, Recyclables shall be the property of the Townships or its authorized agent.

(b) It shall be a violation of this Ordinance for any person not authorized by the Township to do so to collect, or cause to be collected, any Recyclables that have become the property of the Township. Each such unauthorized collection shall constitute a separate offense.

Section 9. Recyclables to be separated from Refuse.

It shall be unlawful for any Person to collect, remove or otherwise dispose of Refuse, or to place Refuse at the sidewalk or alley for collection as provided herein, without first separating all Recyclables therefrom.

Section 10. Recyclables to be separated from Leaf Waste.

It shall be unlawful for any Person to collect, remove or otherwise dispose of Refuse, or to place Refuse at the sidewalk or alley for collection as provided herein, without first separating all Leaf Waste therefrom.

Section 11. Penalties.

Any Person or Entity who violates or neglects to comply with any provision of the Ordinance or any other regulations promulgated pursuant hereto shall, upon convictions thereof, be punishable by a fine not to exceed Three Hundred Dollars (\$300.00).

Section 12. Repealer.

All Ordinances, Resolutions or parts of Ordinances or Resolutions inconsistent herewith are repealed to the extent of such inconsistencies as of the effective date of the Ordinance. Ordinances 2092 and 2763, and any amendments thereto, are repealed in their entirety as of the effective date of the ordinance.

Section 13. Effective Date.

This Ordinance shall become effective as of January 1, 2009.

ENACTED AND ORDAINED this 16th day of July 2008.