

ORDINANCE

NO. 24-1395

MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

AN ORDINANCE REPEALING EXISTING CHAPTER 203, SOLID WASTE, ARTICLE I (GARBAGE AND REFUSE COLLECTION), ARTICLE II (DISPOSAL), ARTICLE III (RECYCLING) AND ARTICLE IV (YARD WASTE COLLECTION), IN THEIR ENTIRETY, AND ADOPTING A NEW CHAPTER 203 TITLED "MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS," INCLUDING ARTICLE I (GENERAL REFUSE STORAGE AND COLLECTION), ARTICLE II (MUNICIPAL SOLID WASTE (MSW) COLLECTION), ARTICLE III (MIXED-RECYCLING COLLECTION) AND ARTICLE IV (YARD WASTE COLLECTION); ESTABLISHING STANDARDS FOR THE COLLECTION OF MUNICIPAL SOLID WASTE, MIXED-RECYCLABLES, YARD WASTE AND GRASS CLIPPINGS; AND ESTABLISHING AUTHORITY IN THE DIRECTOR OF PUBLIC WORKS TO ADOPT IMPLEMENTING REGULATIONS AND IN THE DIRECTOR OF CODE ENFORCEMENT TO ENFORCE THE REQUIREMENTS OF THE CHAPTER.

WHEREAS, the Solid Waste Management Act of the Commonwealth of Pennsylvania, Act of July 7, 1980, P.L. 380, No. 97, Pa. Stat. Ann. Tit. 35 §6018.101 et seq., (Purdon Supp. 1985) ("Act 97"), was enacted to establish a comprehensive planning and regulatory framework to deal with the storage, collection, transportation and processing of solid waste, including municipal waste, as defined in Section 103 of Act 97, Pa. Stat. Ann. Tit. 35, §6018.103 (Purdon Supp. 1985); and

WHEREAS, the Municipal Waste Planning, Recycling, and Waste Reduction Act of the Commonwealth of Pennsylvania, Act No. 101 of July 28, 1988, P.L. 556 ("Act 101"), was enacted to empower, and assign the duty to, the County to develop municipal waste management plans and otherwise insure adequate capacity for permitted processing and disposal of the municipal waste which is generated within its boundaries and empowers, and assigns the duty to, each municipality other than a county, to assure the proper and adequate transportation, collection and storage of, and adequate capacity for the disposal of, municipal waste generated within its boundaries; and

WHEREAS, Act 101 was also enacted to develop strategies to encourage recycling and to confer various additional powers upon counties and certain municipalities to implement mandatory recycling collection programs; and

WHEREAS, the Township of Upper Dublin has authority under Act 97 and Act 101 to provide for the management of municipal waste and recyclables within its boundaries as hereinafter provided; and

WHEREAS, the County in 1988 adopted a municipal solid waste plan ("Act 101 Plan") which directed all municipal waste generated by Montgomery County municipalities be disposed at the resource recovery facility located in Plymouth Meeting, PA, then owned and operated by Dravo Operations of Montgomery County, Inc.; and

WHEREAS, the Township adopted the current version of Chapter 203 in 1989 to implement the 1988 County Act 101 Plan, and to implement a curbside recycling program which required separation of glass, paper, cans and other materials in accordance with Act 101; and

WHEREAS, the County in 2015 adopted a new Act 101 Plan which repealed mandatory flow control to the resource recovery facility, permitting municipalities to select disposal facilities among several located in Pennsylvania;

WHEREAS, the Township since 2012 has modified its municipal waste recycling program by implementing a mixed-recycling collection, yard waste collection and grass clippings collection; and

WHEREAS, for all of the reasons herein set forth, it is in the public's interest that this Ordinance be enacted to properly manage municipal waste and recyclables.

NOW THEREFORE, The Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, does hereby enact and ordain:

Section 1. The Code of Upper Dublin Township, Chapter 203, Solid Waste, is hereby deleted in its entirety, and restated in a new Chapter 203 entitled Municipal Solid Waste and Recyclable Materials, to provide as follows:

Chapter 203

MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

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ARTICLE I

General Refuse Storage and Collection

§ 203-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- ALUMINUM CANS — All empty beverage and food containers made from aluminum.
- CLEAN AND UNCONTAMINATED NEWSPAPER — Newspaper which has not been exposed to substances or conditions which rendered it unfit for recycling purposes.
- CODE ENFORCEMENT – The Township of Upper Dublin Department of Code Enforcement.
- COMMERCIAL ESTABLISHMENT — Those properties used primarily for commercial or industrial purposes and those multiple-dwelling residential buildings containing three (3) or more dwelling units.
- CORRUGATED CARDBOARD — Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

- GLASS — All products made from silica or sand, soda ash and limestone (the product may be transparent, translucent, or colored) and may be used as a container for packaging or bottling of various matter, and all other material commonly known as "glass."
- HIGH-GRADE OFFICE PAPER — All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.
- INDUSTRIAL ESTABLISHMENT — A building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering, or assembling any product, commodity or article, and from which industrial (a/k/a residual) waste is generated.
- INSTITUTIONAL ESTABLISHMENT — Facilities that house or serve groups of people such as schools, hospitals, day-care centers and nursing homes.
- LEAF WASTE — Leaves and foliage of trees and shrubs and foliar garden residues, but not including grass clippings or tree or shrubbery branches.
- MUNICIPAL SOLID WASTE (MSW) — All garbage and refuse normally placed by a resident for regular collection by the Township. It specifically excludes recyclable materials.
- MUNICIPAL SOLID WASTE COLLECTION — Collection of municipal solid waste by the Township pursuant to Article II of this Chapter.
- MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, (Act 101 of 1988), 53 P.S. §§ 4000.101 – 4000.1904.
- NEWSPAPER — Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.
- PERSON — Any institution, public or private corporation, individual, partnership or other entity. Person includes a lessee, as well as an owner of a residence and includes a person, firm or corporation which owns or occupies a residence, commercial or institutional establishment.
- PREMISES — Land, buildings or other structures, vehicles or parts thereof upon or in which refuse is stored.
- RECYCLABLE MATERIALS — All recyclable materials identified in Article III of this Chapter, including glass, aluminum cans, newspapers, high-grade office paper, corrugated cardboard, and any other materials as may be determined by the Township.
- RECYCLING CONTAMINANTS — Any non-recyclable material within a recyclable container such as food particles or other debris that can be rinsed or washed away.
- REFUSE — All solid waste generated in the township, including garbage, rubbish, ashes, bottles, cans, and plastics, but not including body wastes.
- RESIDENCE — Any single-family or other dwelling with four (4) or fewer units, from which the Township collects municipal solid waste.
- RESPONSIBLE AUTHORITY — The legally designated authority of Upper Dublin Township who shall be authorized and directed to implement and enforce this Chapter, or his authorized representative.
- SOLID WASTE MANAGEMENT ACT, Act 97 of 1980, 35 P.S. §§ 6018-101 – 6018.1003.

- TOWNSHIP — The Township of Upper Dublin.
- YARD WASTE — Grass clippings, brush and tree and shrubbery branches, but not including leaves.

§ 203-2. Purpose.

The Board of Commissioners of Upper Dublin Township, in order to protect the health and safety of the people of the Township, is authorized to implement and enforce the provisions of this Chapter to control the storage, collection and disposal of municipal solid waste within the Township, to provide a public refuse collection service within the Township so that the type, quantity and placement of MSW can be safely and expeditiously disposed at approved MSW resource recovery facilities and landfills.

§ 203-3. Appropriation of funds.

The Board of Commissioners of Upper Dublin Township is authorized to make funds available by appropriation, by borrowing or by other means, in accordance with the laws and procedures of the Township, for equipment for the collection or disposal of MSW and for the establishment, maintenance and operation of collection systems and disposal methods and sites.

§ 203-4. Establishment of collection programs.

The Township hereby establishes mandatory programs for the separate collections of trash, recycling, yard waste, and Fall leaves from all residents in the Township for which municipal solid waste collection is provided by the Township. Collection hereof shall be made on a regularly schedule as determined and published by the Public Works Department.

§ 203-5. Unauthorized collection prohibited.

It shall be a violation of this Chapter for any person, firm or corporation, other than the Township, to collect MSW placed by a resident for collection by the Township, unless such person, firm or corporation has prior written permission to make such collection. Each unauthorized collection in violation hereof from one (1) or more residences on any one (1) calendar day shall constitute a separate and distinct offense.

§ 203-6 Private responsibility.

- A. The owner or his agent or the occupant of any premises within the Township shall be responsible for the sanitary condition of the premises occupied by him, and it shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any refuse except as designated by the terms of this Chapter.
- B. Any owner, occupant, tenant, person, firm, association or corporation responsible for refuse on premises not served by the refuse collection system of the Township or for refuse not acceptable for collection by the Township shall make arrangements for the collection and disposal of such refuse and shall see that any refuse container lids are kept closed at all times and shall not permit the overloading of said containers at any time.

§ 203-7. Obstructions in streets and highways.

It shall be unlawful for any person to place refuse carts, cardboard bundles, yard waste or leaf waste beyond the residential curb line encroaching upon any part of any public street or highway in the Township.

§ 203-8. Ownership of materials.

All refuse placed by the residents for collection by the Township pursuant to this Chapter and regulations hereunder shall, from the time of placement, become the property of the Township.

§ 203-9. Establishment of regulations.

- A. The Public Works Department is hereby authorized and empowered to establish and promulgate regulations setting forth the manner of refuse collection days and times and acceptable and unacceptable cart contents, loading, location and time of placement for collection.
- B. The Public Works Department is further authorized to establish regulations governing the compliance with this Chapter by all commercial, institutional and municipal establishments.
- C. The regulations promulgated under this article shall include but not be limited to:
 - (1) The manner and method of collection.
 - (2) The manner and method of residential MSW cart use.
- D. The Director of Code Enforcement is authorized and empowered to enforce this Chapter and the regulations adopted under this Chapter.

§ 203-10. Emergency orders.

Whenever the Code Enforcement Department finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order citing the existence of such an emergency and the conditions violating this article which require corrective action to remove such health hazard. If such corrective action has not been taken, the Code Enforcement Department may take such action as may be necessary to protect the public health, including stoppage or processing operations. Notwithstanding other provisions of this article, such order shall be effective immediately.

§ 203-11. Right of entry.

The Public Works Director and the Director of Code Enforcement shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this article through the Director of Code Enforcement.

§ 203-12. Unlawful conduct, violations and required notices.

- A. Unlawful conduct. It shall be unlawful for any person to:
 - (1) Violate, cause or assist in the violation of any provision of this Chapter, any rule, regulation or order promulgated hereunder or any rule, regulation or order promulgated by the Township consistent with this Chapter.

- B. Notice. Whenever the Code Enforcement Department determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter or any regulation adopted pursuant thereto, notice of such alleged violation shall be given to the person or persons responsible therefor as hereinafter provided. Such notice shall:
- i. Be put into writing.
 - ii. Include a statement of the reasons why it is being issued.
 - iii. Allow a reasonable time for the performance of any act it requires.
- C. Collection cart violations. Any cart that is deemed unacceptable at time of collection due to inappropriate location, timing, or contents, or is considered to be overloaded or has contents protruding from the lid preventing safe dumping of the cart, shall be considered a violation of this Chapter.
- (1) Notice. Whenever the Public Works Department determines that there has been a collection cart violation, notice of such alleged violation shall be given to the person or persons responsible therefor as hereinafter provided. Such notice shall:
- iv. Be put into writing and placed on the handle of the collection cart.
 - v. Include a statement of the reasons why it is being issued.
 - vi. Allow a reasonable time for the performance of any act it requires.
 - vii. The collection shall be skipped.

§ 203-13. Enforcement.

Authorized members of the Code Enforcement Department are hereby empowered to enforce all provisions of this Chapter and to write citations for any violations.

§ 203-14. Penalties.

Any person who violates any provision of this Chapter or any regulations adopted thereunder, upon conviction, shall be punished by a fine of not more than \$1,000, and each day's failure to comply with any such provision shall constitute a separate offense.

§ 203-15. Construal of provisions.

The terms and provisions of this Chapter are to be liberally construed so as best to achieve and to effectuate the goals and purposes hereof. This Chapter shall be construed in pari materia with Act 97 and Act 101.

ARTICLE II

Municipal Solid Waste (MSW) Collection

§ 203-16. General provisions.

- A. Collection Frequency. Residential MSW is collected once each week and is scheduled based on MSW collection zones that are determined and mapped by the Public Works Director and kept on file at the Township building. Residents may find the collection

zone and corresponding collection day in which they reside by visiting the Township website or by calling Township reception.

B. Placement and retrieval of brown trash cart:

- (1) Carts. All MSW must be placed in the brown trash cart and the lid must close. Carts shall not have any contents that protrude from the closed lid and contents shall not be overloaded or overpacked preventing the efficient dumping of its contents.
- (2) Timing. Brown trash carts must be placed at the curb line no earlier than 24-hours ahead of the assigned collection day.
- (3) Location. Place carts at the curb line one foot (1') away from one another and three feet (3') away from other obstructions (i.e.: utility poles, mailboxes, cars, etc.).
- (4) Retrieval. Carts must be retrieved from the curb line no later than 24-hours following the assigned collection day.

§ 203-17. Acceptable Municipal Solid Waste (MSW).

The following MSW shall be considered to be acceptable for regular residential trash collection by the Township:

- A. Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods that is contained in a plastic bag.
- B. Ashes. The residue from the burning of wood, coal, coke or other combustible materials.
- C. Rubbish. Non-putrescible solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, wood, glass, bedding, crockery, metals and similar materials.

§ 203-18. Unacceptable Municipal Solid Waste (MSW).

- A. The following MSW shall be considered not acceptable for regular MSW collection by the Township:
 - (1) Hazardous materials or substances such as medical waste, oils, liquid paint, poisons, acids, caustics, infected materials and explosives.
 - (2) E-Waste including TV's, computers, and similar electronic waste.
 - (3) Materials resulting from the repair, excavation or construction of buildings or structures, such as earth, asphalt, concrete, plaster, lumber, drywall, mortar or roofing material.
 - (4) Materials which have not been prepared for collection in accordance with this Chapter and any implementing regulations.
 - (5) Solid wastes resulting from industrial processes.
 - (6) Bulk trash such as appliances, carpet, furniture, corrugated cardboard, tires, windows, doors, and auto parts.
- B. No refuse will be collected from commercial or industrial establishments.
- C. No refuse will be collected from properties improved with three (3) or more dwelling units.

ARTICLE III

Mixed-Recycling Collection

§ 203-19. General provisions.

- A. Collection Frequency. Recyclable materials are collected once each week and is scheduled based on waste collection zones that are determined and mapped by the Public Works Director and kept on file at the Township building. Residents may find the collection zone and corresponding collection day in which they reside by visiting the Township website or by calling Township reception.
- B. Placement and retrieval of blue mixed-recycling cart:
 - (1) Carts. All recyclable materials must be placed in the blue mixed-recycling cart and the lid must close. Carts shall not have any contents that protrude from the closed lid and contents shall not be overloaded or overpacked preventing the efficient dumping of its contents.
 - (2) Timing. Blue recycling carts must be placed at the curb line no earlier than 24-hours ahead of the assigned collection day.
 - (3) Location. Place carts at the curb line one foot (1') away from one another and three feet (3') away from other obstructions (i.e.: utility poles, mailboxes, cars, etc.).
 - (4) Retrieval. Carts must be retrieved from the curb line no later than 24-hours following the assigned collection day.

§ 203-20. Acceptable Recyclable Materials.

- A. The following are considered acceptable recyclable materials for regular mixed-recycling collection by the Township:
 - (1) All clear and colored glass bottles and jars that have been cleaned of recycling contaminants.
 - (2) Aluminum cans, tin cans and bi-metal cans that have been cleared of recycling contaminants.
 - (3) Cardboard – Thin chipboard such as cereal boxes, corrugated cardboard cut into one foot (1') by one foot (1') pieces.
 - (4) Paper – Newspaper, office paper, magazines, catalogues, junk mail and paperback books.
 - (5) Cartons – Food & beverage cartons for milk, juice, soup, broth, dry goods and wine that have been cleaned of recycling contaminants.
 - (6) Plastics that have been cleaned of contaminants.
 - i. #1 – Polyethylene Terephthalate (PET, PETE) used for soda bottles.
 - ii. #2 – High Density Polyethylene (HDPE) used for milk jugs, detergent containers and shampoo bottles.
 - iii. #3 – Vinyl or Polyvinyl Chloride (V) used for cleaning product containers.
 - iv. #4 – Some Low-Density Polyethylene (LDPE) used to make plastic tubs and lids such as butter and margarine tubs.
 - v. #5 – Some Polypropylene (PP) used for yogurt and butter containers.

- vi. #6 – Some Polystyrene (PS) used for food storage and serving products.
- vii. #7 – Other mixed plastics.

§ 203-21. Unacceptable Recyclable Materials.

- A. The following recyclable materials are not acceptable for mixed-recycling collection by the Township:
 - (1) Recyclable materials that have not been cleaned of recycling contaminants.
 - (2) Plastics – Plastic bags, loose plastic caps, plastic six-pack holders, syringes, Tupperware, P.V.C., plastic toys and large plastic tub containers are not accepted. If there is any recycle number other than #1 - #7 OR no markings at all, discard the item with regular household trash.
 - i. #4 – Low-Density Polyethylene (LDPE) packing materials such as shrink wrap, film, or bubble wrap are not accepted.
 - ii. #5 – Polypropylene (PP) bags or fabric are not accepted.
 - iii. #6 – Polystyrene (PS) (Styrofoam®) is not accepted in any form, including packing peanuts.
 - (3) Aerosol cans or any container that was used for hazardous materials.
 - (4) Scrap metal, including soiled tin foil and disposable foil tins.
 - (5) Frozen food boxes, pizza boxes, napkins, paper towels, paper plates or any other food contaminated paper/cardboard.
 - (6) Paper – Carbon paper, wax paper, or photographs.
 - (7) Ceramics or flower pots.
 - (8) Coat hangers and curtain rods.
 - (9) Glass – Drinking glasses, lead crystal, mirrors, light bulbs, plate or window glass, ovenware, or Pyrex.
- B. No recyclable materials will be collected from commercial or industrial establishments.
- C. No recyclable materials will be collected from properties improved with three (3) or more dwelling units.

ARTICLE IV

Yard Waste Collection

§ 203-22. General provisions.

- A. Collection Frequency. Yard waste is collected once each week between the seasons of Spring, Summer, and Fall and is scheduled based on waste collection zones that are determined and mapped by the Public Works Director and kept on file at the township building. Residents may find the collection timeline, zone and corresponding collection day in which they reside by visiting the Township website or by calling Township reception.
- B. Placement and retrieval of green yard waste carts:

- (1) Carts. All yard waste must be placed in the green yard waste cart and the lid must close. Carts shall not have any contents that protrude from the closed lid and contents shall not be overloaded or overpacked preventing the efficient dumping of its contents.
 - (2) Timing. Green yard waste carts must be placed at the curb line no earlier than 24-hours ahead of the assigned collection day.
 - (3) Location. Place carts at the curb line one foot (1') away from one another and three feet (3') away from other obstructions (i.e.: utility poles, mailboxes, cars, etc.).
 - (4) Retrieval. Carts must be retrieved from the curb line no later than 24-hours following the assigned collection day.
- C. Placement of contained yard waste for manual rear-loader collection areas.
- (1) Containers. A maximum of nine (9) containers, paper bags and/or bundles total may be placed curbside.
 - i. Brush and/or tree limbs must be placed in biodegradable paper bags or tied into bundles (with twine) not exceeding four feet (4') in length and fifty (50) pounds.
 - (2) Timing. Contained yard waste must be placed at the curb line no earlier than 24-hours ahead of the assigned collection day.
 - (3) Location. Place contained yard waste at the curb line one foot (1') away from refuse carts and three feet (3') away from other obstructions (i.e.: utility poles, mailboxes, cars, etc.).
 - (4) Retrieval. Yard waste containers must be retrieved from the curb line no later than 24-hours following the assigned collection day.

§ 203-23. Acceptable yard waste.

The following refuse is considered acceptable for yard waste collection by the Township:

- A. Brush and tree limbs – not to exceed four feet (4') in length, six inches (6") in diameter, and fifty (50) pounds (per bundle).
- B. Leaves, grass clippings, garden residue, tree clippings, shrubbery and vegetative material.

§ 203-24. Unacceptable yard waste.

A. The following refuse is not acceptable for yard waste collection by the Township:

- (1) Brush or branches exceeding four feet (4') in length, six inches (6") in diameter, or fifty (50) pounds (per bundle).
 - (2) Dirt, sod, or rocks.
 - (3) Tree stumps, logs, root balls, or wood chips.
 - (4) Any plastic or compostable bags that do not quickly breakdown.
- B. Kitchen waste such as paper coffee filters, tea bags and food waste.
 - C. No refuse will be collected from commercial or industrial establishments.
 - D. No refuse will be collected from properties improved with three (3) or more dwelling units.

§ 203-25. Fall leaf waste collection.

- A. The Township shall collect leaf waste in bulk throughout the months of October to December on a regular schedule as determined and mapped by the Public Works Director and kept on file at the Township building.
- B. During the published bulk leaf collection period, all persons for whom the Township provides MSW collection shall place their leaf waste in piles or windrows at curbside, and/or provide for private collection where the leaves will be composted.
- C. Leaves shall be kept separate from other yard waste during the published bulk leaf collection period. Leaves shall be set out for bulk collection loose in piles or windrows rather than bagged or containerized as usually required. All other yard waste shall be collected pursuant to the other provisions of this article during the published bulk leaf collection period. No branches, evergreen boughs, shrubbery trimmings, or the like may be mixed in the leaf piles or windrows.
- D. Leaf piles or windrows shall be placed directly behind the curb line or the edge of the property where the property meets the paved street or highway. Leaves shall not be raked or placed into the street or gutter.
- E. Residents are responsible for ensuring that hired or contracted gardeners, landscapers, and other lawn maintenance workers comply with this Article IV.
- F. Hired contractors/landscapers are not permitted to dump leaves at the Township's Compost Site on Camp Hill Road.
- G. Township collected leaf waste shall be disposed of exclusively by composting.


Section 2. Nothing in this Ordinance or in Chapter 203 of the Code of Upper Dublin Township, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 203 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this 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 that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance is effective immediately upon enactment.

ENACTED and ORDAINED this 8th day of October, 2024.

ATTEST:


Jonathan Bleemer, Secretary

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS


Ira S. Tackel, President