

CHAPTER XII

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Part 1

Refuse

Section 101. Short Title. This Part shall be known as the "Refuse Ordinance."
(Ordinance No. 364, December 22, 2008, Section 1)

Section 102. Definitions.

The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

The term "ashes" shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.

The term "rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.

The term "refuse" shall mean all solid wastes except body wastes and shall include garbage, ashes, and rubbish.

The term "disposal" shall include the storage, collection, disposal, or hauling of refuse.

The term "person" shall include any natural person, association, partnership, firm or corporation.

The term "bulky rubbish" shall include discarded furniture, large household appliances such as refrigerators, washing machines, bathtubs, sinks, and commodes.

The term "collector" shall mean a person licensed by the municipality to collect, transport and dispose of municipal waste.

The term "exterior property" shall mean the open space on the premises and on adjoining property under the control of owners or operators of such premises.

The term "owner" shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Township of Spring or otherwise having control of the property including the guardian of an estate of such person and the executor or administrator of the estate of such person.

The term "tenant" shall mean a person corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

The term "yard" shall mean an open space on the same lot with a structure.

Other: The singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ordinance No. 364, December 22, 2008, Section 1)

Section 103. Preparation of Refuse and Storage Practices.

(A) Refuse Preparation.

(1) Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, watertight, easily washable containers, equipped with handles and tight-fitting covers.

(2) Ashes shall be stored in fire-resistant containers equipped with handles and tight-fitting covers. Ashes containing hot embers shall not be collected until they have been adequately quenched.

(3) Rubbish shall be stored in durable containers with tight-fitting covers. Tree trimmings, hedge clippings, old newspapers and similar materials, which cannot be conveniently placed in the aforementioned containers shall be baled, tied or sacked in compact bundles less than three (3) feet in length and placed in a location easily accessible to the collector.

(4) Bulky rubbish shall not be allowed to accumulate on any premises except in containers which are approved by the Board of Supervisors of the Township of Spring in accordance with the specifications contained in this Part.

(5) No person shall place refuse in any street, alley or other public place, or upon any private property within the limits of the Township of Spring, unless it is placed in a proper refuse container for collection. Likewise, no person shall throw or deposit refuse in any stream or any other body of water.

(6) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within three (3) days after the effective date of this Part shall be deemed a violation of same.

(7) Certain materials, such as scrap lumber and firewood, may be stored and kept on the premises, but they shall be stored so that a minimum clear space of twelve (12) inches above the ground surface is provided.

(B) Refuse Storage. All refuse shall conform to the following standards:

(1) General.

(a) All refuse receptacles shall be provided by the owner, tenant or occupant of the premises, unless otherwise specified.

(b) The storage of all refuse by residents of the Township of Spring, Berks County, Pennsylvania, shall be practiced so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

(c) A sufficient number of containers necessary to meet the intent of paragraph (2) shall be provided to contain all waste materials generated between regularly scheduled collections.

(2) Individual Containers

(a) Individual containers utilized for the storage of refuse at household and other premises shall have the following physical characteristics:

i) Constructed in such manner as to be easily handled for collection.

a. Not greater than 15-gallons capacity for garbage storage.

b. Not greater than 32-gallons capacity for combined refuse storage.

- ii) Constructed of rust and corrosion-resistant materials.
- iii) Be equipped with tight-fitting lids.
- iv) Constructed in such a manner as to be watertight, leak-proof, weather-proof, insect-proof and rodent-proof.
- v) Shall not exceed seventy-five (75) pounds in weight when filled.

(b) Method of Use of Individual Containers

- i) Containers shall not be filled to the point where the lid will not fit properly.
- ii) The area around the container(s) shall be kept clean.

(3) Disposable Containers. Disposable containers such as paper and polyethylene bags shall be acceptable for storage of refuse provided the following conditions are met:

- (a) Only those bags specially designed for storage and collection shall be used.
- (b) Bags are protected against precipitation, animal damage and overloading to prevent littering or attracting vectors.
- (c) Bags have holding strength capable of withstanding stresses until they are collected.
- (d) Bag opening is securely closed prior to setting out for collection.

(4) Bulk Containers. Bulk containers for commercial, industrial, and institutional refuse shall meet the general and individual container requirements previously set forth except for size limitations. Bulk containers shall be sized according to the type and quantity of waste production, equipment handling capabilities, and the frequency of collection.

(5) Open Storage. Certain wastes of a non-decomposable nature may be stored temporarily in a manner other than containerization.

(a) In order to minimize littering, magazines, newspapers, waste paper, tree prunings, brush and yard trimmings, when stored outside of containers, shall be tied securely in bundles of such size as to be readily handled by the collection system.

(b) Tires and out-sized wastes such as furniture and appliances shall be stored so that water accumulation and rodent harborage are prevented.

(Ordinance No. 364, December 22, 2008, Section 1)

Section 104. Collection Practices.

(A) Places of Collection. For collection purpose, except where there is an agreement with the collector to the contrary, refuse containers shall be placed at ground level, on the property, not within the cartway of a street or alley and easily accessible from the side of the street or alley from which collection is made.

(B) Frequency of Collection. Refuse shall be collected:

(1) Twice weekly

(2) Bi-annually for bulky rubbish during spring and fall clean-up.

(C) Apartments having five or more dwelling units, commercial, industrial and institutional refuse shall be collected by private contract. The owner of said property shall file with the Township Secretary at 2850 Windmill Road, Sinking Spring, Township of Spring, Berks County, Pennsylvania, by January first of each year, a certificate stating the method of storage, collection frequency, collector and Township license number, disposal facility and the disposal facility permit.

(D) Placement of Refuse for Collection on One's Own Property. No person shall place or cause to be placed refuse for collection upon any property other than the property upon which such refuse is generated without first securing the consent of an owner of the property upon which such refuse is

placed for collection.

(E) Every owner, tenant or occupant in the Township of Spring whose properties are not covered by Township refuse collection and disposal services shall contract with an individual, entity or firm which is a licensed collector by the Commonwealth of Pennsylvania to have all the municipal waste generated on the premises by any occupants of the premises removed and deposited in a permitted landfill.

(F) Whenever requested by the Township of Spring, the property owner of any real estate within Spring Township shall present proof adequate in the judgment of the Township designee that the owner of said real estate has a current contract with a licensed hauler to dispose of municipal waste generated on the premises on a biweekly basis or more often. The property owner of the premises shall have seventy-two (72) hours to provide proof to the Township designee that he/she has a current contract with a licensed hauler to provide sufficient service to satisfy the terms and conditions of this article.

(Ordinance No. 364, December 22, 2008, Section 1)

Section 105. Licensing of Refuse Collectors.

(A) Only a person licensed by the Township of Spring, Berks County, Pennsylvania, shall collect refuse within the territorial limits of the Township of Spring.

(B) An authorized collector is one who has entered into a contract with or has been granted a license by the Township of Spring, Berks County, Pennsylvania, for the specific purpose of collecting and disposal of refuse.

(C) The fee for such license shall be \$10.00 per year, or fraction thereof, and all licenses shall be issued by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania. All vehicles must be re-inspected annually by the Township Engineer of said Township.

(D) No licensed collector shall dispose of any refuse collected in the Township of Spring, Berks County, Pennsylvania, except by conveyance to a place of disposal operating under permit from the Pennsylvania Department of Environmental Resources. Contractor shall state in writing the name, location, and type of facility that he will use for disposal.

(E) Failure of a licensed collector to comply with the provisions of this Part shall result in the revocation of his license.

(F) Any collector picking up municipal waste in the Township of Spring shall be required to advise the Township in writing within seventy-two (72) hours after request from the Township as to whether an owner has a current contract for municipal waste disposal from his/her premises within the Township. Furthermore, all licensed collectors shall cooperate with the Township designee in providing information in the event that an action is instituted to enforce the terms and conditions of this article.

(Ordinance No. 364, December 22, 2008, Section 1)

Section 106. Collection Vehicles. Except for the collection of bulky rubbish as designated in Section 104(B)(2) of this Part, all vehicles used for the collection of refuse shall have watertight enclosed metal bodies of easily cleanable construction, equipped with compaction devices. (Ordinance No. 364, December 22, 2008, Section 1)

Section 107. Disposal of Refuse.

(A) No person shall hereafter dispose of any refuse collected in the Township of Spring, Berks County, except by conveyance to a disposal facility approved by the Pennsylvania Department of Environmental Resources.

(B) It shall be unlawful to dump, burn, destroy or otherwise dispose of refuse within the jurisdictional limits of the Township of Spring, except at a disposal facility approved and permitted by the Pennsylvania Department of Environmental Resources. Such Permit must be valid at all times and on file with the Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 364, December 22, 2008, Section 1)

Section 108. Refuse Collection and Disposal Fees. The Township of Spring, in order to provide refuse collection and disposal services, will collect a per capita refuse tax in the manner prescribed under the Second Class Township Code. (Ordinance No. 364, December 22, 2008, Section 1)

Section 109. Penalties.

(A) Any person who shall violate any provision of this Part shall, upon conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00) and costs of prosecution, and, in default of payment of such fine, to be committed to the Township Lockup for not more than five (5) days, or to the County Jail, or Workhouse for not more than thirty (30) days.

(B) All contracts between the Township of Spring, Berks County, Pennsylvania, and contracts collecting and removing refuse from the Refuse Collection Districts of the said Township shall contain a provision providing that the said Township shall be authorized to deduct from payments due or to become due to the said contractor, the following penalties for each separate offense, provided, however, that such penalties shall be proved to the satisfaction of the said Township:

- (1) For not collecting garbage, offal, or ashes and rubbish, as agreed: one dollar (\$1.00) per can.
- (2) For over-loading trucks or using leaky or filthy trucks: five dollars (\$5.00).
- (3) For failure to collect on day specified: twenty dollars (\$20.00).
- (4) For not replacing lids on garbage or refuse cans when cans are collected: twenty-five cents (\$0.25) per can.
- (5) For damage to disposal containers by reason of rough handling by the contractor's employees: fifty cents (\$0.50) per can.
- (6) For willfully destroying disposal containers without owner's consent: three dollars (\$3.00) per can plus can replacement.
- (7) For unauthorized change in schedule route: ten dollars (\$10.00) per day.
- (8) For inclusion of refuse from other sources than defined herein and disposed of at Township expense: five hundred dollars (\$500.00).

The above provided penalties are to be so withheld if a violation here stated is proved to the satisfaction of the Township of Spring

(Ordinance No. 364, December 22, 2008, Section 1)

Section 110. Conflict of Ordinances, Effect on Partial Validity.

(A) In any case where a provision of this Part is found to be in conflict with a provision of any zoning, building, housing, fire, safety, health or other ordinance, the provision which establishes the higher standard for the promotion

and protection of the health and safety of the people shall prevail. In any case where a provision of this Part is found to be in conflict with a provision of any other ordinance or code of the Township of Spring, existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Part or codes are hereby declared to be repealed to the extent that they maybe found in conflict with this Part.

(B) If any section, subsection, paragraph, sentence, clause or phrase of this Part should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part, which shall remain in full force and effect; and, to this end, the provisions of this Part are hereby declared to be severable.

(Ordinance No. 364, December 22, 2008, Section 1)

Part 2

Recycling

Section 201. Title. This Part shall be known as the "Township of Spring Recycling Ordinance." (Ordinance No. 215, July 9, 1990, Section I)

Section 202. Definitions. The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

Aluminum Cans - clean, non-aerosol and empty all-aluminum beverage and food containers.

Authorized Collector - any person, firm, or corporation licensed or contracted by the Township of Spring to handle recyclables in accordance with the provisions of this Part.

Bimetallic Cans - empty food or beverage containers consisting of steel and aluminum.

Commercial Establishment(s) - any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

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

Dwelling Unit(s) - a room or a group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupant(s) thereof.

Exclusive Contract - an agreement entered into between the Township of Spring and a private person or corporation for the collection and/or disposal of recyclables within the Township Spring to the extent provided by this Part and such agreement.

Federal - the United States of America together in any one (1) or more of its departments and agencies.

Glass - clear, green or brown glass bottles and jars. Expressly excluded from this definition of glass are blue glass, lead crystal, porcelain, ceramic products, tempered or plate glass together with florescent and incandescent lighting bulbs.

High Grade Office Paper - all white paper, bond paper and computer paper used in commercial establishments, institutional establishments, municipal establishments, dwelling units, and single family dwelling units of up to four (4) dwelling units in a structure and multi-family establishments.

Industrial Establishment(s) - any establishment engaged in the manufacturing and/or processing of goods and/or materials.

Institutional Establishment(s) - any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, retirement homes, orphanages, schools, colleges and universities.

Leaf Waste - leaves from trees, bushes and other plants, garden residue, clipped shrubbery and tree trimmings. Expressly excluded from this definition of leaf waste are grass clippings.

Multi-Family Establishment(s) - rental housing apartment buildings or apartment complexes which have four (4) or more dwelling units, together with condominium associations and homeowners associations of four (4) or more dwelling units which are established and organized in such a manner that the association provides common services for the residents of the housing development. This definition shall also include apartment buildings and apartment complexes owned and operated by institutional establishments if such institutional establishments charge a rental fee for such dwelling unit.

Municipal Waste - any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semi-solid or contained gaseous materials resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act of the Commonwealth of Pennsylvania from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facilities.

Newspapers - paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded from this definition of newspapers are magazines.

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

Plastic Containers - empty and clean consumer product containers made of poly-ethylene terephthaeate (PET), polypropylene (PP), high density polyethylene (HDPE), and low density polyethylene (LPDE) including, but not limited to, plastic bottles used as containers for soda, milk, and other consumer food products and for certain household cleaning products and personal care products.

Recyclables/Recyclable Materials - those materials specified by the Township of Spring for separation from municipal waste for collection, transportation, processing, and marketing as part of a recyclable program.

Recycling - the program or system of separation from municipal waste collection, transportation, processing, and marketing of recyclables.

Single Family Dwelling Unit - a dwelling unit occupying all of one (1) structure.

State - the Commonwealth of Pennsylvania together with any one (1) or more of its departments and agencies.

Steel Cans - clean, non-aerosol, and empty all-steel (ferrous metal).

Township - the Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 215, July 9, 1990, Section II)

Section 203. Establishment of Program.

(A) The Township hereby establishes a recycling program for the mandatory separation of recyclables from municipal waste generated by occupants of single family dwelling units of up to four (4) dwelling units within a structure, multi-family establishments, commercial establishments, institutional establishments, and industrial establishments, located within the Township of Spring, Berks County, Pennsylvania, the same being in accordance with the provisions of Section 1501(c) of the Municipal Waste Planning Recycling and Waste Reduction Act.

(B) Selected recyclables for the recycling program established pursuant to this Section shall be designated by the Board of Supervisors of the Township in regulations to be promulgated pursuant to the terms of Section 207 of this Part, from the following list of materials:

- (1) Corrugated paper
- (2) Newspaper
- (3) High-grade office paper
- (4) Clear glass
- (5) Brown glass
- (6) Green glass
- (7) Aluminum cans
- (8) Steel (ferrous) cans
- (9) Bimetallic cans
- (10) Plastic containers
- (11) Leaf waste
- (12) Other recyclable materials as designated by the Board of Supervisors of the Township, effective thirty (30) days after designation of such recyclable materials.

(Ordinance No. 215, July 9, 1990, Section III)

Section 204. Storage and Collection of Recyclables.

(A) General. It shall be the duty of every owner of property and every person occupying single family dwelling units of up to four (4) dwelling units within a structure, multi-family establishments, commercial establishments, industrial establishments, and institutional establishments located within the Township wherein recyclables are generated and accumulated, to provide and keep, at all times, a sufficient number of containers to hold all recyclables, except as otherwise specified in this Part, between intervals of collection of recyclables, as specified in the regulations to be promulgated pursuant to the terms of

Section 207 of this Part, by an authorized collector; and to insure, pursuant to the provisions of this Part, the regulations to be promulgated pursuant to the terms of Section 207 of this Part, under this Part and applicable State and Federal laws and regulations, the collection, transportation, processing and marketing of the same.

(B) Designation of Recyclables to be Collected. All recyclables to be collected, transported, processed and marketed by collectors shall be designated by the Board of Supervisors of the Township by regulations to be promulgated pursuant to the terms of Section 207 of this Part. Separate designations of recyclables to be collected, transported, processed and marketed by collectors shall be established as aforesaid for (i) single family dwelling units of up to four (4) dwelling units within a structure; (ii) multi-family establishments; (iii) commercial establishments; (iv) institutional establishments and (v) industrial establishments.

(C) Storage and Collection of Recyclables From Single Family Dwelling Units of Up to Four (4) Dwelling Units Within a Structure.

(1) Containers. All recyclables generated and accumulated by the owner(s) and/or occupant(s) of single family dwelling units of up to four (4) dwelling units within a structure, shall be placed in containers for collection by an authorized collector. Such containers shall be durable, and shall be made of plastic. The capacity of such container shall not exceed twenty (20) gallons. Containers for curbside recyclables shall be as specified by Township or as provided by Township.

(2) Location of Containers. Each container of recyclables shall be placed for collection so as to be accessible to the authorized collector at ground level and at a location immediately behind the curblineline of the street from which the collection of recyclables is made or if there is no curbing at a location agreeable among the resident, the Township and the authorized collector. Leaf waste and newspapers shall be collected for recycling at a location to be designated by the Township in the regulations to be promulgated pursuant to the terms of Section 207 of this Part.

(D) Storage and Collection of Recyclables from Multi-Family Establishments.

(1) Containers. Recyclables generated and accumulated at multi-family establishments shall be placed in containers approved by the owner(s) of such establishments and approved by the Township.

(2) Location of Containers. Containers of recyclables generated and accumulated by multi-family establishments shall be located on the premises of the owner(s) and/or occupants of such establishments at a place agreed upon by such person(s) and the authorized collector. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys or entrances and exits of public or private buildings.

(E) Storage and Collection of Recyclables from Commercial Establishments, Institutional Establishments and Industrial Establishments.

(1) Containers. Recyclables generated and accumulated at commercial establishments, institutional establishments and industrial establishments shall be placed in containers provided by the owner(s) of such establishments and approved by the Township.

(2) Location of Containers. Containers for recyclables generated and accumulated by multi-family establishments, commercial establishments, institutional establishments, and/or industrial establishments shall be located on the premises of the owner(s) and/or occupant(s) of such establishments at a place agreed upon by such person(s) and the authorized collector. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys or entrances and exits of public or private buildings.

(F) Responsibility for Recyclables. All recyclables placed out for collection shall be owned by, and be the responsibility of the occupants of the same property accumulating and storing such recyclables until the same are collected. Such recyclables shall become the property and responsibility of the collector upon the collector's acceptance and collection of such recyclables.

(G) Processing, Recovery and Marketing of Recyclables. The recycling program herein established by Township shall involve the processing and marketing of recyclables by the Township itself, or by the Township contracting with other entities for such work. All processing and marketing of recyclables shall be performed pursuant to the provisions of the Part, the regulations to be promulgated pursuant to the terms of Section 207 of this Part and applicable State and Federal laws and regulations.

(H) Authorized Collectors of Recyclables. It shall be unlawful for any person other than persons authorized by license issued by the Township, to collect, transport, process and market recyclables in the Township. In the event the Township decides to enter into an exclusive contract for the collection,

transportation, processing and marketing of recyclables in the Township, the contractor therein referred to shall be required to collect recyclables in the Township at large or in recycling districts of the Township exclusive of other collectors, subject to the exceptions set forth in the exclusive contract. Authorization to collect, transport, process and market recyclables for persons other than oneself and one's household may be given only by the Township through the issuance of a license. All applications for licenses for collection of recyclables shall comply with the following requirements:

(1) Licenses for collection, transportation, processing and marketing of recyclables shall be issued to only those persons who can provide satisfactory evidence that the same are capable of providing the necessary services and can comply with the provisions and intent of this Part. The Township reserves the right to disapprove any application for such license.

(2) Applicants for licenses for collection, transportation, processing and marketing of recyclables shall furnish the following information to the Township, in writing, upon forms furnished by the Township:

(a) The number of collection vehicles; the make, model, license plate number, and size of each vehicle to be used for the collection and transportation of recyclables.

(b) The location, address, and telephone number of the business office of the applicant.

(c) A certificate of the applicants worker's compensation insurance, as required by law.

(d) A certificate of insurance applying to all operations by the applicant, his/her/its agents and employees as follows:

Forms	Minimum Limits
Contractor's Public Liability	\$500,000/\$1,000,000
Contractor's Property Damage Liability	\$100,000/\$300,000
Automobile Bodily Injury	\$500,000/\$1,000,000
Automobile Property Damage	\$100,000/\$300,000

The Township shall be named as an additional insured on such certificate of insurance.

(e) Intended recycling facility or facilities proposed to be used by the Applicant.

(f) Any other information which the Township may request and deem necessary prior to the issuance of a license for the collection, transportation, processing and marketing of recyclables.

(g) Licenses shall be issued on a calendar year basis, or for a portion thereof during the initial year of the license period, but may be revoked at any time by the Township for just cause, including, but not limited to, violation of any of the provisions of this Part, the regulations to be promulgated pursuant to the terms of Section 207 of this Part, applicable State and Federal law or regulations and contractual arrangements entered into between the applicant and the Township.

(h) Fees for licenses shall be established by the Township in regulations to be promulgated pursuant to the terms of Section 207 of this Part.

(I) Collection and Transportation of Recyclables. Any person collecting and/or transporting recyclables within the Township shall prevent or remedy any spillage from vehicles or containers used in the collection and transportation of such recyclables. The vehicles used to collect and transport recyclables shall be leak-proof and enclosed to the extent necessary to ensure no loss or spilling of recyclables from vehicles. Failure by a collector of recyclables to clean and remove the loss or spillage of recyclables from vehicles or containers used to collect and transport recyclables within three (3) hours after being notified by the Township of the same shall constitute a violation of this Part. The Township shall have the authority to inspect the vehicles used for collection and transportation of recyclables.

(J) Unlawful Depositing of Recyclables. It shall be unlawful for any person to deposit for collection any recyclables not generated at the address from which collection is made or to bring any recyclables into the Township or from one address to another in the Township for the purpose of taking advantage of the collection and transportation service or to avoid the cost of collection and transportation of any recyclable.

(K) Exclusions.

(1) Nothing contained in this Part shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his/her own municipal waste and that of the household of which he/she is a member on an irregular or unscheduled basis for processing and marketing in accordance with applicable State and Federal laws and regulations.

(2) In implementing its recycling program, the Township accords consideration for the collection, marketing and disposition of recyclables to persons engaged in the business of recycling on September 26, 1988, the effective date of Chapter 15 of the Municipal Waste Planning, Recycling and Waste Reduction Act, whether or not the persons were operating for profit.

(Ordinance No. 215, July 9, 1990, Section IV)

Section 205. Service Fees, Billings and Charges.

(A) To encourage and maximize recycling, all service fees, billings and charges imposed by the Township and/or authorized collectors upon the generation of recyclables in the Township shall be based upon the volume of recyclables collected. To effectuate this subsection, the following guidelines are established:

(1) Collectors of recyclables shall be required, prior to obtaining a license from the Township, to file with the office of the Manager of the Township a complete schedule of rates evidencing that such rates are established on a volume basis. Whenever the rate schedule changes, or annually upon license renewal, the collector of recyclables shall file a revised rate schedule with the office of the Manager of the Township.

(2) An exclusive contract for the collection of recyclables generated and accumulated from single family dwellings units of up to four (4) dwelling units within a structure shall include provisions for billing such units on a volume basis. This provision shall not preclude the Township or its contractors from establishing a minimum charge for the collection, transporting, processing and marketing of recyclables as an assessment against such single family dwelling unit for the benefit of the health and welfare of the Township and for having a recycling program available to the owner(s) and/or tenant(s) of such single family dwelling

units in the Township. Such minimum charges shall be set at a level that is appropriate to cover the basic cost of the collection, processing, transportation, processing and marketing of recyclables, but shall not be set so high as to discharge recycling

(B) The Township establishes a minimum charge of twenty dollars (\$20.00), per annum, upon the owner(s) and/or tenant(s) of each single family dwelling unit of up to four (4) dwelling units within a structure located in the Township for the collection, transporting, processing and marketing of recyclables as an assessment against such single family dwelling unit for the benefit and preservation of the health, safety and welfare of the inhabitants of the Township and for having a recycling program available to the owner(s) and/or tenant(s) of such single family dwelling units in the Township. Payments of charges imposed hereunder shall be due and payable upon the applicable billing date, determined from time to time by the Township, at the office of the Secretary of Township. If any such charge is not paid within sixty (60) calendar days after the applicable billing date, an additional sum of ten (10) percent shall be added to such charge.

(Ordinance No. 215, July 9, 1990, Section V; as amended by Ordinance No. 220, December 23, 1990, Section 1)

Section 206. Plans to be Filed and Approved by Township. All multi-family establishments, commercial establishments, industrial establishments and institutional establishments conducting their own recycling program shall file with and have approved by the Township, industrial recycling programs which shall provide for the recycling of materials set forth in the regulations to be promulgated pursuant to the terms of Section 207 of this Part. (Ordinance No. 215, July 9, 1990, Section VI)

Section 207. Establishment of Regulations. The Board of Supervisors of the Township shall establish and promulgate regulations relating to the implementation of the recycling program herein established including, but not limited to, the manner, days, and times of collection of recyclable materials, and for the bundling, handling, location and time and placement of such materials for collection. (Ordinance No. 215, July 7, 1990, Section VII)

Section 208. Reports to be Filed With Township. Each collector of recyclables within the Township shall file quarterly reports on a form prepared and furnished by the Township and completed by such collector. The form shall state the total weight or volume of recyclables collected, processed, transported and marketed by such collector during the quarterly period of time, the names and addresses of the facilities to which such collector transports recyclables for processing and marketing, together with other

information deemed necessary by the Township to carry out the purpose of this Part. The form shall be signed by the collector. (Ordinance No. 215, July 9, 1990, Section VIII)

Section 209. Enforcement and Administration. The Code Enforcement Officer of the Township or such other individual appointed by the Board of Supervisors of the Township is authorized and directed to enforce this Part. (Ordinance No. 215, July 9, 1990, Section IX)

Section 210. Violation and Penalty. Whoever violates, or does not comply with any provision of this Part or any regulation to be promulgated pursuant to the terms of Section 207 of this Part, shall, upon conviction thereof be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars and costs and, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

Each violation for each separate day and each violation of any provision of this Part, any regulation to be promulgated pursuant to the terms of Section 207 of this Part, or any order issued hereunder shall constitute a separate offense. (Ordinance No. 215, July 9, 1990, Section X)

Section 211. Repealer. In the event any provision, section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality, or unconstitutionality shall not effect or impair any remaining provision, section, sentence, clause or part of this Part, it being the intent of the Board of Supervisors of the Township that such remainder shall remain in full force.

Section 212. Effective Date. The terms and provisions of Subsection (H), entitled "Authorized Collectors of Recyclables" of Section 204, entitled "Storage and Collection of Recyclables" of this Part shall become effective August 1, 1990. The remainder of this Part shall become effective August 13, 1990. (Ordinance No. 215, July 9, 1990, Section XII)

Part 3

Designated Disposal Facility

Section 301. Title. The short title of this Part shall be "The Township of Spring Designated Disposal Facility Ordinance", and the same may be cited in that manner. (Ordinance No. 303, December 29, 2003, Section 1)

Section 302. Definitions. Unless the context clearly indicates otherwise, the following terms used in this Part shall have the following meanings:

"Act 101" - The Municipal Waste Planning, Recycling & Waste Reduction Act, Act of July 28, 1988, P.L. 528, as now or hereafter amended.

"Designated Disposal Facility" - The Pioneer Crossing Landfill, a Municipal Waste landfill in Exeter Township, Pennsylvania, operating under Department Permit No. 100346.

"Township" - The Township of Spring, Berks County, Commonwealth of Pennsylvania.

"Township Municipal Waste" - Municipal Waste generated from residential establishments within the Township and collected by the Township or by a third party pursuant to a contract with the Township.

The terms "Disposal", "Department", "Landfill", "Municipal Waste", "Municipal Waste Landfill", "Permit", and "Person", shall be defined as they are in the Solid Waste Management Act, Act 97 of 1980, 35 P.S. §6018.101, et seq., and in the Department regulations promulgated thereunder, 25 Pa. Code §271.1, et seq.

(Ordinance No. 303, December 29, 2003, Section 1)

Section 303. Designation of Disposal Facility. Pursuant to Section 304(d) of Act 101, the Township hereby designates the Pioneer Crossing Landfill, a Department-permitted Municipal Waste Landfill that operates under Permit No. 100346 in Exeter Township, Berks County, Pennsylvania, for the disposal of Township Municipal Waste whether that waste is collected by the Township or by a third party pursuant to a contract with the Township. (Ordinance No. 303, December 29, 2003, Section 1)

Section 304. Payment of Disposal Fees. The Township shall pay for the costs to dispose of Township Municipal Waste at the Designated Disposal Facility whether that waste is delivered by the Township or by a third party pursuant to a contract with the

Township. The Township shall not pay for the cost to dispose of Township Municipal Waste at a facility other than the Designated Disposal Facility. (Ordinance No. 303, December 29, 2003, Section 1)

Section 305. Regulations. The Township shall have the power to adopt rules and regulations relating to this Part and to the use of the Designated Disposal Facility. (Ordinance No. 303, December 29, 2003, Section 1)

Section 306. Construction. The terms and provisions of this Part are to be liberally constructed, so as to best achieve and to serve the goals and purposes hereof. This Part shall be construed in pari materia with Act 97 and Act 101. (Ordinance No. 303, December 29, 2003, Section 1)

Section 307. Severability. The provisions of this Part are severable. If any provision of this Part or its application to any person or circumstance within the Township is held invalid, said invalidity shall not affect any other provision or application of this Part which can be given effect. (Ordinance No. 303, December 29, 2003, Section 1)

Part 4

Yard Residuals Collection Facility

Section 401. Title and Purpose. The short title of this Part shall be "The Yard Residuals Collection Facility Ordinance", and the same may be cited in that manner. The purpose of this Part is for the Township of Spring to provide collection facilities to the residents of the Township for Yard Residuals and regulate the use of such facilities. (Ordinance No. 306, June 14, 2004, Section 1)

Section 402. Definitions. Unless the context clearly indicates otherwise, the following terms used in this Part shall have the following meanings:

"Act 101" - The Municipal Waste Planning, Recycling & Waste Reduction Act, Act of July 28, 1988, P.L. 528, as now or hereafter amended.

"Collection Facility" - Township designated facility for the collection of Yard Residuals.

"Commercial Landscapers" - An individual, company or entity skilled in the development and decorative planting of gardens and grounds.

"Lawn Mowing Company" - An individual, company or entity in the business of mowing grass on lawns.

"Township" - The Township of Spring, Berks County, Commonwealth of Pennsylvania.

"Yard Residuals" - shall consist solely of grass clippings and woody materials such as tree limbs, shrubs, slashings and brush.

(Ordinance No. 306, June 14, 2004, Section 1)

Section 403. Designation of Collection Facility. The Township hereby designates two (2) areas in the Township to provide for the collection of Yard Residuals as follows:

(A) Located in the Township of Spring along Reedy Road near the Township Sanitary Sewage Treatment Plant; and

(B) Goose Lane located east of Sage Drive on Goose Lane

(Ordinance No. 306, June 14, 2004, Section 1)

Section 404. Regulations. Use of the Collection Facilities shall be by the following regulations:

(A) All Yard Residuals shall be deposited directly into the dumpsters or an area indicated by signs;

(B) Yard residuals hauled to the site in plastic bags must be emptied into the dumpsters or emptied at an area indicated by signs. No plastic bags are to be left at the site. Biodegradable paper bags can be placed directly into dumpsters or in an area indicated by signs;

(C) Only Yard Residuals shall be accepted at the Collection Facility. No other type of recyclable material, rubbish, trash, waste, municipal waste or garbage is accepted at the Collection Facility;

(D) Only residents of the Township of Spring may use the Collection Facility; (NOTE: See Intermunicipal Agreement Ordinance No. 343 allowing the residents of the Borough of Sinking Spring to access the Collection Facility)

(E) Commercial landscapers, lawn mowing companies, and other similar entities shall be prohibited from using the Collection Facilities.

(F) Hours of operation of the Collection Facility shall be 6:00 a.m. through 9:00 p.m. May 1 through September 30 and 6:00 a.m. through 7:00 p.m. October 1 through April 30.

The Township shall have the power to adopt additional rules and regulations relating to this Part and to the use of the Collection Facility. (Ordinance No. 306, June 14, 2004, Section 1)

Section 405. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction, be subject to a penalty of not less than One Hundred Dollars (\$100.00) or more than Six Hundred Dollars (\$600.00) plus costs of prosecution. Each day of a violation shall constitute a separate offense. (Ordinance No. 306, June 14, 2004, Section 1)

Section 406. Severability. The provisions of this Part are severable. If any provision of this Part or its application to any person or circumstance within the Township is held invalid, said invalidity shall not affect any other provision or application of this Part which can be given effect. (Ordinance No. 306, June 14, 2004, Section 1)