

**BRECKNOCK TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO 2024- 233**

**AN ORDINANCE OF BRECKNOCK TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF BRECKNOCK, PART II ENTITLED "GENERAL LEGISLATION", CHAPTER 90 ENTITLED "SOLID WASTE", TO AMEND SECTION 90-1 ENTITLED "DEFINITIONS; WORD USAGE" TO ADD NEW TERMS AND DEFINITIONS; TO ADD A NEW SECTION 90-2(A) TO BE ENTITLED "MANDATORY RECYCLING" WHICH REQUIRES ALL PERSONS WITHIN THE MUNICIPALITY TO SOURCE SEPARATE DESIGNATED RECYCLABLE MATERIALS; TO ADD A NEW SECTION 90-2(B) TO BE ENTITLED "DESIGNATED RECYCLABLE MATERIALS" TO DESIGNATED RECYCLABLE MATERIALS; TO AMEND SECTION 90-3 ENTITLED "DISPOSAL" IN ITS ENTIRETY; TO AMEND SECTION 90-4 ENTITLED "RULES AND REGULATIONS" IN ITS ENTIRETY; AND TO AMEND SECTION 90-7 ENTITLED "UNLAWFUL ACTIVITIES; NUISANCES" IN ITS ENTIRETY.**

**WHEREAS**, the Township of Brecknock, Lancaster County, is a Second Class Township governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to the authority contained in the Second Class Township Code, as amended, 53 P.S. §§ 65101 et seq. the Board of Supervisors of Brecknock Township enacted Ordinance No. 61 on January 19, 1987, which set forth regulations for the collection, storage, transportation, removal, dumping, deposit, disposal, and recycling of solid waste within the Township; and

**WHEREAS**, ordinance No. 61 was codified within the Code of the Township of Brecknock, Part II entitled "General Legislation", Chapter 90, entitled "Solid Waste"; and

**WHEREAS**, the Board of Supervisors of Brecknock Township believes is in the best interests of the residents of Brecknock Township to amend the Code of the Township of Brecknock, Part II entitled "General Legislation", Chapter 90, entitled "Solid Waste", in order to require mandatory recycling for all persons within the municipality and to amend the rules and regulations regarding the collection, storage, transportation, removal, dumping, deposit, disposal, and recycling of solid waste within the Township.

**BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of the Township of Brecknock, Lancaster County, Pennsylvania ("Township") as follows:

**SECTION 1.** The Code of the Township of Brecknock, Part II entitled "General Legislation", Chapter 90 entitled "Solid Waste" Section 90-1 entitled "Definitions; Word Usage", is hereby amended to add or amend the following terms and their definitions in alphabetical order:

## 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.

## COVERED COMPUTER DEVICE

A desktop or notebook computer or computer monitor or peripheral, marketed and intended for use by a consumer. The term does not include a covered television device.

## COVERED DEVICE

A covered computer device and covered television device and intended for use by a consumer. The term does not include:

- (i) A device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
- (ii) A device that is functionally or physically a part of or connected to or integrated within equipment or a system designed and intended for use in an industrial, governmental, commercial, research and development or medical setting, including, but not limited to, diagnostic, monitoring, control or medical products as defined under the Federal Food Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.), or equipment used for security, sensing, monitoring, antiterrorism, emergency services purposes or equipment designed and intended primarily for use by professional users;
- (iii) A device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier or exercise equipment; or
- (iv) Any of the following:
  - A. Telephone of any type, including a mobile phone.
  - B. Personal digital assistant.
  - C. Global positioning system.

## COVERED TELEVISION DEVICE

An electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable or satellite, including, without limitation, any direct view or projection television with a viewable screen of four inches or larger whose display technology is based on cathode-ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light-emitting diode or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device or a mobile telephone.

#### DESIGNATED RECYCLABLE MATERIALS

Those Recyclable Materials designated in § 90-2(b) of this chapter for Source Separation.

#### 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.

#### GLASS, CLEAR

Clear Glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

#### GLASS, COLORED

Colored Glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

#### 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:

- A. Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, term does not include:
  - (1) Coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C.A. §§ 30.51-30.62);
  - (2) Treatment sludges 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. §§ 691.1-691.1001);
  - (3) Solid or dissolved material in domestic sewage;
  - (4) Solid dissolved materials in irrigation return flows;
  - (5) 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
  - (6) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011-2394).

#### HIGH-GRADE OFFICE PAPER

Desktop generated white paper limited to ledger, copy paper, and computer printout (CPO).

#### HOUSEHOLD HAZARDOUS WASTE

A portion of Municipal Waste that would be considered hazardous under the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, but for the fact that it is produced in quantities smaller than those regulated as Hazardous Waste under the Solid Waste Management Act and is generated by Persons not otherwise covered as Hazardous Waste Generators by the Solid Waste Management Act. 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.

#### MULTIFAMILY UNIT

A property which contains four or more Residential Units, including, without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

#### NEWSPRINT

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

#### NONRESIDENTIAL UNITS

All commercial, municipal and institutional establishments, all Community Activities and all farms, excluding Residential Units and Multifamily Units.

#### PLASTICS

Recyclable Plastics are identified on the bottom of the container and consist of two

types of containers, namely, #1 PETE (such as soda bottles) and #2 HDPE (such as milk, springwater, and detergent bottles).

#### 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, semidetached 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 sludges 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.

#### SOLID WASTE or WASTE

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

#### 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:

- A. Chemotherapeutic Waste;
- B. Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue;
- C. Explosives and Ordnance Materials
- D. Gas cylinders, unless empty and delivered separate from other Solid Waste;
- E. Hazardous Waste;
- F. Infectious/Pathological Waste; and
- G. 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, grass clippings, and sod.

**SECTION 2.** The Code of the Township of Brecknock, Part II entitled “General Legislation”, Chapter 90 entitled “Solid Waste”, is amended to add a new Section 90-2(a) to be entitled “Mandatory recycling” which shall read in its entirety as follows:

All Persons within the municipality shall Source Separate Designated Recyclable Materials generated by such Person or generated within a Residential Unit, Multifamily Unit or Nonresidential Unit occupied by such Person.

**SECTION 3.** The Code of the Township of Brecknock, Part II entitled “General Legislation”, Chapter 90 entitled “Solid Waste”, is amended to add a new Section 90-2(b) to be entitled “Designated Recyclable Materials”, which shall read in its entirety as follows:

- A. Each Person who owns or occupies a Residential Unit shall Source Separate Designated Recyclable Materials and Tires, Yard Waste, and White Goods for the purpose of Recycling. Materials defined as Recyclable Materials are designated from time to time, per LCSWMA’s Rules and Regulations.
- B. Each Person who owns or occupies a Multifamily Unit shall Source Separate Designated Recyclable Materials and Tires, Yard Waste, and White Goods for the

purpose of Recycling. Materials defined as Recyclable Materials are designated from time to time, per LCSWMA's Rules and Regulations.

- C. Each Person who owns or occupies a Nonresidential Unit shall Source Separate Designated Recyclable Materials and Tires, Yard Waste, and White Goods for the purpose of Recycling. Materials defined as Recyclable Materials are designated from time to time, per LCSWMA's Rules and Regulations.

**SECTION 4.** The Code of the Township of Brecknock, Part II entitled "General Legislation", Chapter 90 entitled "Solid Waste", Section 90-3 entitled "Disposal" is amended to read in its entirety as follows:

- A. Requirements for 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 utilizing a municipal waste collector and transporter to collect and deliver such materials to a Facility Materials at a frequency of not less than once per month. For the purpose of collection by the municipal waste collector and transporter, refuse containers and recycling containers shall be adjacent to the Residential Unit, and no more than five (5) feet from the public street used by collection vehicles.
- B. Requirements for nonresidential and multifamily units.
  - (1) Each Person who owns or occupies a Nonresidential Unit or Multifamily Unit shall provide proper collection and disposal of Regulated Municipal Waste and Designated Recyclable Materials by utilizing a municipal waste collector and transporter to deliver such Waste to a Facility.
  - (2) Each Person who owns a Multifamily Unit or Nonresidential 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 Multifamily Unit and Nonresidential 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. For the purpose of collection by the municipal waste collector and transporter, refuse containers and recycling containers shall be placed at the curbside or a similar location for collection.
  - (3) Each person who owns or occupies a Nonresidential Unit shall arrange for proper recycling of High-Grade Office Paper, which shall not be commingled with Designated Recyclable Materials.



- C. Collection and Disposal of Recyclable Materials and Tires, Yard Waste, and White Goods. All municipal waste collectors and transporters who provide regularly scheduled service for the collection of Regulated Municipal Waste shall also collect Designated Recyclable Materials. All municipal waste collectors and transporters 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, aluminum, clear glass, colored glass, steel cans, and plastics, in a single recycling container. Newsprint shall either be bagged or bundled in accordance with instructions from the municipal waste collector and transporter to the customer. Each municipal waste collector and transporter shall schedule collections for Tires, Yard Waste, and White Goods at least twice annually and shall give customers at least thirty-day advance notice of the schedule for such collections.
- D. Delivery to LCSWMA/county sites. All municipal waste collectors and transporters shall deliver and dispose of all Regulated Municipal Waste and Designated Recyclable Materials collected or generated within the municipality at a Facility, subject to such reasonable regulations for the operation thereof as may be established by the county or LCSWMA.
- E. Reporting Requirements. All municipal waste collectors and transporters shall complete monthly LCSWMA manifests, as required, reporting the amount of Regulated Municipal Waste and Designated Recyclable Materials collected in the Township. All municipal waste collectors and transporters shall submit copies of the LCSWMA manifests to the Township upon request.
- F. County authorization to adopt regulations. Rules and regulations adopted by the county pursuant to the parallel County Waste Flow Ordinance to be adopted pursuant to the intermunicipal agreement described in § 90-11 hereof shall be deemed rules and regulations adopted under this chapter, and the county is hereby authorized to adopt such rules and regulations.
- G. Disposal of Household Hazardous Waste and Covered Devices. All Persons within the Municipality shall deliver and dispose of Household Hazardous Waste materials and Covered Devices to LCSWMA's Household Hazardous Waste facility.

**SECTION 5.** The Code of the Township of Brecknock, Part II entitled "General Legislation", Chapter 90 entitled "Solid Waste", Section 90-4 entitled "Rules and regulations" is amended to read in its entirety as follows:

- A. Compliance with county and LCSWMA regulations. The collection, transportation and disposal of municipal waste and designated recyclables present or generated within the municipality shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the county pursuant to its Waste Flow Ordinance and such rules and regulations as may be adopted by LCSWMA pursuant to 53 P.S.

§ 315 (Purdon 1974 and Purdon Supp. 1985), as hereinafter amended, including, without limitation, regulations governing applications and standards for licensing, fees to be charged for such licensing, the terms of licenses, procedures, recordkeeping, transportation routes and other matters.

- B. County authorization to adopt regulations. Rules and regulations adopted by the county pursuant to the parallel County Waste Flow Ordinance to be adopted pursuant to the intermunicipal agreement described in § 90-11 hereof shall be deemed rules and regulations adopted under this chapter, and the county is hereby authorized to adopt such rules and regulations.
- C. Municipal waste collectors and transporters. Municipal waste collectors and transporters shall have an affirmative duty to follow and conduct themselves in accordance with their current license or registration and to service each of their customers in accordance with their current license, and shall furnish and provide collection and disposal of municipal waste and designated recyclables in accordance with the terms of this Ordinance and any Resolution prescribing the regulation hereof, any failure of which shall be a violation of this Ordinance.
- D. Consistency of regulations with ordinance and other laws. No rules or regulations adopted pursuant to this chapter shall be contrary to or less stringent than the provisions of this chapter, the plan, the County Waste Flow Ordinance, the Pennsylvania Solid Waste Management Act or regulations adopted thereunder, or such other laws, regulations or requirements as may be enacted by the United States of America, the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Resources or the Pennsylvania Environmental Quality Board governing municipal waste planning, collection, storage, transportation, processing or disposal.

**SECTION 6.** The Code of the Township of Brecknock, Part II entitled “General Legislation”, Chapter 90 entitled “Solid Waste”, Section 90-7 entitled “Unlawful activities; nuisances” is amended to read in its entirety as follows:

- A. Unlawful conduct. It shall be unlawful for any person to:
  - (1) Accumulate or cause to be accumulated municipal waste in an amount greater than twenty (20) tons, other than waste which has been source separated for the purpose of recycling.
  - (2) 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 LCSWMA or the county consistent with this chapter.
  - (3) Store, process or dispose of any Regulated Municipal Waste or Designated Recyclable Materials except at a Facility or at an existing solid waste facility as permitted by § 90-6C. Notwithstanding the foregoing or Section 90-2(a), 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.

- (4) Throw, scatter, deposit or sweep litter into any public place, such as a street, sidewalk, park or playground, in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the Municipality, or onto any private property, except in authorized receptacles.
- (5) Burn designated recyclables and yard waste, except where said burning falls under exceptions to applicable law, including but not limited to the Brecknock Township Open Burning Ordinance (See Article II, Chapter 45 of the Code of the Township of Brecknock).
- (6) Collect or transport Regulated Municipal Waste present or generated within the county without a valid license for disposal issued by LCSWMA.
- (7) Hinder, obstruct, prevent or interfere with the municipality, the county, LCSWMA or their personnel in the performance of any duty under this chapter or in the enforcement of this chapter.
- (8) Act in a manner that is contrary to Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 et seq., regulations promulgated thereunder, the plan, this chapter, the county ordinance, rules or regulations promulgated thereunder or the terms of licenses issued thereunder.

**SECTION 7.** The Code of the Township of Brecknock, Part II entitled “General Legislation”, Chapter 90 entitled “Solid Waste”, is amended to add a new Section 90-14 to be entitled “Exemption” which shall read in its entirety as follows:

- A. Nonresidential Unit exemption. Each Person who owns or occupies a Nonresidential Unit shall be exempt from the requirements of this Ordinance if the following requirements are met:
- (1) the Person has otherwise provided for the recycling of materials that they are required by Ordinance to recycle; and
  - (2) the Person annually provides written documentation to the municipality of the amount of municipal waste generated as well as the type and weight of materials that were recycled in the previous calendar year.

**SECTION 8.** Any ordinance or part of an ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

**SECTION 9.** In the event that any provision, section, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Township of Brecknock that

such remainder shall be and remain in force and effect.

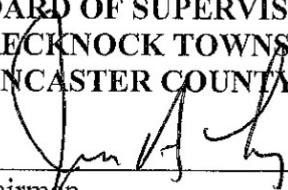
**SECTION 10.** The Code of Ordinances of the Township of Brecknock shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of such Code, upon adoption.

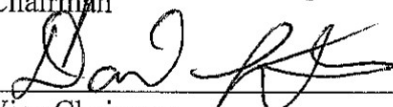
**SECTION 11.** This Ordinance shall become effective five (5) days after enactment, as provided by law.

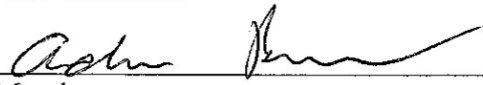
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ENACTED AND ORDAINED as an Ordinance of Brecknock Township, Lancaster County, Pennsylvania, this 13<sup>th</sup> day of February, 2024.


**BOARD OF SUPERVISORS OF  
BRECKNOCK TOWNSHIP,  
LANCASTER COUNTY, PENNSYLVANIA**

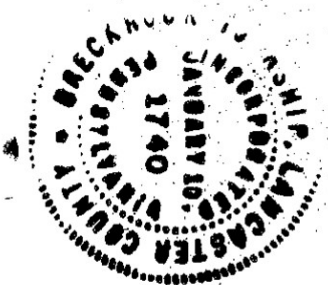
  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Member

ATTEST:


  
\_\_\_\_\_  
Secretary



**CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2024 - 233 adopted by the Board of Supervisors of Brecknock Township, Lancaster County, Pennsylvania at a public meeting held on Feb 13, 2024, pursuant to notice as required by law.

Dated: 2/13/24

  
Township Secretary