

**LOWER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 548
MUNICIPAL WASTE COLLECTION AND RECYCLING ORDINANCE**

SECTION I. Amendment to the Code.

The Code of Ordinances of Lower Gwynedd Township ("Code") are hereby amended by deleting Chapter 1084 in its entirety and replacing it with a new Chapter 1084 entitled Municipal Waste Collection and Recycling Ordinance as set forth below:

**Chapter 1084
Municipal Waste Collection and Recycling**

Part 1. Municipal Waste Collection and Recycling

§1084.01. Title.

This Chapter shall be known and may be cited as the "Municipal Waste Collection and Recycling Ordinance."

§1084.02. Definitions.

(a) As used in this Chapter, the following terms shall have the following meanings:

ACT 97. The Solid Waste Management Act of 1980, as amended.

ACT 101. The Municipal Waste Planning Recycling and Waste Reduction Act of 1988, as amended.

ALUMINUM CANS. Empty, all-aluminum beverage and food containers.

BI-METAL CONTAINERS. Empty food or beverage containers constructed of a mixture of ferrous metal, usually steel, and nonferrous metal, usually tin.

COMMERCIAL ESTABLISHMENT. A building or buildings used or designed for use for commercial purposes, including, but not limited to wholesale, industrial, manufacturing, transportation, financial or professional services stores, markets, office buildings, restaurants, shopping centers, theaters, or other commercial activities.

COMMUNITY ACTIVITIES. Events sponsored in whole or in part by the Township or conducted within the Township and sponsored privately, which include, but are not limited to fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more individuals per day.

COMPOSTING FACILITY. A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings that is permitted by the Commonwealth of Pennsylvania.

CORRUGATED PAPER. Paper products made of a stiff, moderately thick paper board, containing folds or alternating ridges, commonly known as "cardboard."

DWELLING UNIT. A room or group of rooms within a building used, intended to be used or capable of being used as a complete housekeeping facility for one family, providing living, sleeping, cooking, dining and sanitary facilities.

GLASS. Products made from silica or sand, soda ash and limestone. The product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are non-container glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER. All types of high-grade, white or colored paper, bond paper and computer paper used in residential, commercial, institutional, and municipal establishments.

INDUSTRIAL ESTABLISHMENT. Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

INSTITUTIONAL ESTABLISHMENT. An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches, and social or fraternal societies and organizations.

INTERMUNICIPAL AGREEMENT (IMA). The intermunicipal agreement adopted by the municipalities which are members of the Northern Montgomery County Recycling Commission.

LANDLORD. Any individual or organizational owner who rents and/or leases residential units, commercial space, or an industrial complex(es). Landlords own the properties in question and deal directly with their tenants or lessees.

LEAF WASTE. Leaves, garden residues, shrubbery trimmings, tree trimmings, and similar materials.

MIXED PAPER. All types of paper combinations, such as colored paper, carbonless forms, ledger paper, colored paper envelopes, mixtures of high-grade office paper and the like.

MULTI-FAMILY RESIDENTIAL ESTABLISHMENT. A building or buildings under single or multiple ownership and designed as a residence for four or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

MUNICIPAL ESTABLISHMENT. Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township, any counties, cities, boroughs, and municipal authorities.

MUNICIPAL WASTE. Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid commercial, material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials or Leaf Waste.

MUNICIPAL WASTE COLLECTOR. Any collector, remover, transporter, and disposer of municipal waste, recyclable materials, and/or Leaf Waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, municipal establishments, and community activities in the Township.

MUNICIPAL WASTE CONTAINER. A container designated by the property owner or resident for the storage of municipal waste. A municipal waste container may be provided by the Township, property owner, resident or tenant, or the municipal waste collector.

NORTHERN MONTGOMERY COUNTY RECYCLING COMMISSION ("NMCRC"). The legal entity established by and operating as agent for the municipalities hereunder who have delegated certain of their duties and powers respecting recycling, including but not limited to the development, implementation, and enforcement of common recycling programs. Presently the NMCRC is comprised of Ambler Borough, Franconia Township, Hatfield Township, Hatfield Borough, Lower Gwynedd Township, Lower Salford Township, Montgomery Township, North Wales Borough, Souderton Borough, Telford Borough and Towamencin Township and shall be deemed to include all new member municipalities and excepting member municipalities who have completed the withdrawal process.

NEWSPRINT. Paper of the type commonly referred to as "newspaper" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

PARTICIPATING MUNICIPALITIES. Those municipalities which have executed the intermunicipal agreement (IMA) and remain a member in good standing of the NMCRC.

PERSON. An individual, partnership, association, corporation, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity which is recognized by law as a subject of rights and duties. In any provision of this Chapter prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

PLASTIC CONTAINERS. Empty and clean plastic containers that contained food, beverage, cleaning, laundry, and other household products. Includes only rigid containers marked with a recycling symbol and a single number (i.e., 1, 2, 5, or 7). Examples include soda and water bottles, milk and water jugs, laundry containers, produce and other food containers, and soap bottles; excludes expanded polystyrene containers and plastic containers larger than two gallons, such as buckets and laundry baskets.

RECYCLABLE MATERIALS. Those materials specified by the Township for collection in accordance with this Part and recycling regulations that may be promulgated from time to time for collection, processing, and recovery. These materials include Aluminum Cans, bi-metal containers, corrugated paper, glass containers, Leaf Waste, magazines, mixed paper, newsprint, high grade office paper, and plastic containers.

RECYCLING. The collection, processing, recovery, and sale or reuse of recyclable materials, which could otherwise be disposed of or processed as municipal waste.

RECYCLING CONTAINER. A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the Township, property owner, resident or tenant, or the municipal waste collector. A recycling container must be durable, watertight, and be at least 13 gallons in size and no more than 35 gallons with a label indicating the container is for recyclable materials.

SINGLE-FAMILY RESIDENTIAL ESTABLISHMENT. An occupied dwelling unit for human habitation, except multi-family residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a "residential establishment."

SINGLE-STREAM RECYCLING. Refers to a system in which all paper fibers, plastics, metals, tin, and other materials are mixed in a recycling container instead of being sorted into separate commodities (newspaper, paperboard, corrugated fiberboard, plastic, glass, etc.) by the resident.

SOURCE SEPARATION. The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

- (b) All terms not separately defined in this Chapter that are contained in Act 97 and Act 101 are incorporated herein by reference.

§1084.03. Legislative Intent.

- (a) The reduction of the amount of Municipal Waste and conservation of Recyclable Materials is an important public concern because of the growing problem of Municipal Waste disposal and its detrimental impact on the environment. It is the intent of this chapter to require, promote and regulate Recycling activities in the Township and to protect the health, safety and welfare of residents.
- (b) This chapter has been developed to meet and implement municipal responsibilities established under Act 101.

- (c) It is the intent of this chapter to promote intergovernmental cooperation in Recycling activities by and among the municipalities comprising the NMCRC. Such cooperation is intended to more efficiently conduct Recycling programs and to reduce costs.
- (d) The Township's adoption of this chapter anticipates the assignment of certain of its duties and powers under Act 101 to the NMCRC with respect to Recycling activities and enforcement against violations of this chapter. Such assignment of duties and powers will be accomplished in accordance with Section 304(c) of Act 101 and as set forth in this chapter and in the intermunicipal agreement adopted by the member municipalities of the NMCRC. Duties and powers not assigned by this ordinance, the intermunicipal agreement or subsequent agreement shall remain with the Township.

§1084.04. Assignment of Program Responsibilities; Intergovernmental Cooperation.

- (a) The Township recognizes that intergovernmental cooperation among the municipalities comprising the membership of the NMCRC will be of benefit to the Township by more efficiently conducting Recycling program activities. Intergovernmental cooperation efforts will include, but are not limited to, the following:
 - (b) Development and implementation of reporting forms and grant applications and the filing of such forms and applications with the appropriate agencies.
 - (c) Promulgation of rules and regulations pertaining to the Recycling program.
 - (d) Authorization for the NMCRC Solicitor to seek enforcement against violations of this chapter as specified herein.
- (e) Intermunicipal Agreement.
 - (1) In order to implement the intent and terms of this chapter, the Township, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, codified at 53 P.S. §§ 481 through 490, and Article 9, § 5, of the Constitution of the Commonwealth of Pennsylvania, has determined to enter into an intermunicipal agreement (IMA) between the municipalities comprising the NMCRC.
 - (2) Terms and implementation of IMA. The terms and implementation of the IMA shall be as more fully set forth in the IMA and this chapter, as follows:
 - (i) The NMCRC shall assist in the development, implementation and maintenance of a Recycling program for the municipalities comprising the NMCRC.
 - (ii) The participating municipalities shall certify that they have enacted a municipal Recycling ordinance in a form substantially similar to this chapter by providing an executed and attested copy of the ordinance to the NMCRC Solicitor.

- (iii) The NMCRC shall be authorized to promulgate rules and regulations and administer and enforce those rules and regulations as desired or to delegate such enforcement to the member municipalities.
 - (iv) The NMCRC shall be authorized to enforce the IMA and select municipal ordinances enacted pursuant to the IMA.
 - (v) The purpose of the IMA is to provide a relatively uniform and cost-effective Recycling program for the municipalities comprising the membership of the NMCRC and to minimize duplicative efforts by the member municipalities.
- (3) Findings under Intergovernmental Cooperation Act. As required by the Intergovernmental Cooperation Act of July 12, 1972, P.L. 762, No. 180, as amended, the following matters are specifically found and determined:
- A. The conditions of agreement are set forth in the IMA.
 - B. The duration of the term of the IMA is set forth in §§ 913 and 914 of the IMA.
 - C. The purpose of the IMA is to cooperate with the NMCRC and other participating municipalities in developing, implementing and maintaining a Recycling program.
 - D. The organizational structure necessary to implement the agreement is set forth in the IMA, with which the member municipalities shall cooperate.
 - E. The manner in which property, real or personal, shall be acquired, managed, licensed or disposed of is by way of lease or other contract unless otherwise set forth in the IMA.

§1084.05. Rules for Collection.

The collection of Municipal Waste, Recyclable Materials, and/or Leaf Waste by Municipal Waste Collectors shall be made in compliance with this ordinance, or any other regulations adopted by the Board of Supervisors to carry out the intent and purpose of this Chapter. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this Part. Said rules and regulations may be amended, modified, or repealed by resolution of the Board of Supervisors.

§1084.06 Municipal Waste Requirements.

- (a) All Persons generating Municipal Waste in the Township shall arrange with a Municipal Waste Collector for the collection and transportation of Municipal Waste.

- (b) Municipal Waste shall be placed in Municipal Waste Containers and the Municipal Waste Containers shall be placed curbside or in another designated location for collection by a Municipal Waste Collector. Under no circumstances shall Municipal Waste Containers obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
- (c) Municipal Waste Containers shall not be placed at the curbside or in another designated location for collection by a Municipal Waste Collector prior to 6 PM of the day before the collection day. Empty Municipal Waste Containers shall be removed from curbside or in another designated location for collection by a Municipal Waste Collector and returned to the premises no later than 11:59 PM the day after collection.
- (d) In the event that Municipal Waste is not able to be collected, Municipal Waste Containers shall be brought off the curb until the new collection is scheduled.

§1084.07. Recycling Requirements.

(a) Single-family Residential Establishment.

- (1) Except as otherwise provided herein, all Persons owning or occupying Single-family Residential Establishments shall separate Recyclable Materials designated in this Chapter from Municipal Waste. Recyclable Materials shall be placed in Recycling Containers and the Recycling Containers placed curbside or in another designated location for collection by a Municipal Waste Collector. Under no circumstances shall Recycling Containers obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
- (2) The following materials must be recycled at Single-family Residential Establishments:
 - (1) a single-stream mix of Aluminum Cans, Bi-metal Containers, Corrugated Paper, glass containers, High-grade Office Paper, Mixed Paper, Newsprint, and Plastic Containers, and
 - (2) Leaf Waste.
- (3) All Persons owning or occupying Single-family Residential Establishments must arrange with a Municipal Waste Collector for the separate collection, transportation, and Recycling of Recyclable Materials.
- (4) Requirements for Collection.
 - (i) All Recyclable Materials must be placed in a Recycling Container separate from municipal and Leaf Waste.
 - (ii) Recyclable Materials must be prepared to prevent the materials from being blown about or littered on streets or on private property. This may include placement of Recyclable Materials in Recycling Containers with latching lids.
 - (iii) No Persons shall place Recyclable Materials in municipal or Leaf Waste containers and no municipal or Leaf Waste shall be placed in Recycling or yard waste containers.

- (iv) Recycling Containers shall be placed curbside or in another location as designated by a Municipal Waste Collector for collection. Under no circumstances shall Recycling Containers obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
- (v) Recycling Containers shall not be placed at the curbside or in another designated location for collection by a Municipal Waste Collector prior to 6:00 PM of the day before the collection day. Empty Recycling Containers shall be removed from curbside or in another designated location for collection by a Municipal Waste Collector and returned to the premises no later than 11:59 PM the day after the collection.
- (vi) Recyclable Materials must be clean and dry and prepared according to the requirements of the Township or Municipal Waste Collector.
- (vii) In the event that Recyclable Materials are not able to be collected, Recycling Containers shall be brought off the curb until the new collection is scheduled.

(b) Multi-family Residential Establishments.

- (1) Owners, Landlords, or agents of owners or Landlords of a Multi-family Residential Establishment must establish a system for Source Separation, collection, transportation, and Recycling of the Recyclable Materials designated in this Chapter that are generated at Multi-family Residential Establishments. The system must include an appropriate number of labeled Recycling Containers at easily accessible locations to accommodate the amount of Recyclable Materials generated at each Multi-family Residential Establishment. The system must also include written instructions to the residents of Multi-family Residential Establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right, but not the obligation, to require additional Recycling Containers if the Township deems there are insufficient Recycling Containers to serve residents.
- (2) The following materials are required to be recycled by multi-family establishments at a minimum: Aluminum Cans, Bi-metal Containers, Corrugated Paper, glass containers, High-grade Office Paper, Mixed Paper, Newsprint, Plastic Containers, and Leaf Waste.
- (3) Owners, Landlords, or agents of owners or Landlords of Multi-family Residential Establishments must arrange with a Municipal Waste Collector for the separate collection, transportation, and Recycling of Recyclable Materials.
 - A. No Person shall place Recyclable Materials in municipal or Leaf Waste containers and no municipal or Leaf Waste shall be placed in Recycling Containers.

- B. Recyclable material collection frequency and collection day(s) shall be set by the owner, Landlord, or agent of an owner or Landlord of a Multi-family Residential Establishment and the Municipal Waste Collector and shall occur no less than once a week. More frequent collection of Recyclable Materials may be necessary to prevent Recycling Containers from being overfilled and cause materials to be blown about or littered on Township streets and on private property.
- C. Recycling Containers shall not be placed at the curbside or in another designated location for collection by a Municipal Waste Collector prior to 6:00 PM of the day before the collection day. Empty Recycling Containers shall be removed from curbside or in another designated location for collection by a Municipal Waste Collector and returned to the premises no later than 11:59 PM the day after the collection.
- D. Recyclable Materials must be clean and dry and prepared according to the requirements of the Township or Municipal Waste Collector.
- E. In the event that Recyclable Materials are not able to be collected, Recycling Containers shall be brought off the curb until the new collection is scheduled.
- F. Owners, Landlords, or agent of an owner or Landlord who comply with the Chapter shall not be liable for the non-compliance of residents.

(c) Commercial, Institutional, and Municipal Establishments.

- (1) Owners, Landlords, or agents of owners or Landlords of a commercial, institutional, or Municipal establishment must establish a system for source-separation, collection, transportation, and Recycling of Recyclable Materials designated in this Chapter that are generated at each building. The system must include an appropriate number of labeled Recycling Containers at easily accessible locations to accommodate the amount of Recyclable Materials generated at each building. It must also include written instructions to the tenants or occupants to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right, but not the obligation, to require additional Recycling Containers if the Township deems there are insufficient containers to serve occupants or tenants.
- (2) At a minimum, the following materials are required to be recycled in commercial, institutional, and Municipal Establishments: High-grade Office Paper, Corrugated Paper, Aluminum Cans, and Leaf Waste.
- (3) Owners, Landlords, or agents of owners or Landlords of a commercial, institutional, and Municipal Establishments must arrange with a Municipal Waste Collector for the separate collection, transportation, and Recycling of Recyclable Materials.
- (4) No Persons shall place Recyclable Materials in municipal or Leaf Waste containers and no municipal or Leaf Waste shall be placed in Recycling Containers.

- (5) Recyclable material collection frequency and collection day(s) shall be set by the owner, Landlord, or agent of an owner or Landlord of a commercial, institutional, or Municipal Establishment and the Municipal Waste Collector, but shall occur no less than once a month. More frequent collection of Recyclable Materials may be necessary to prevent Recycling Containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- (6) Recycling Containers shall not be placed at the curbside or in another designated location for collection by a Municipal Waste Collector prior to 6:00 PM of the day before the collection day. Empty Recycling Containers shall be removed from curbside or in another designated location for collection by a Municipal Waste Collector and returned to the premises no later than 11:59 PM the day after the collection.
- (7) Recyclable Materials must be clean and dry and prepared according to the requirements of the Township or Municipal Waste Collector.
- (8) In the event that Recyclable Materials are not able to be collected, Recycling Containers shall be brought off the curb until the new collection is scheduled.
- (9) The Township shall exempt Persons occupying commercial, institutional, and Municipal Establishments from the requirements of this Chapter if those Persons have otherwise provided for the Recycling of materials required to be recycled. To be eligible for exemption, the commercial, institutional, or Municipal Establishment must annually provide written documentation to the Township of the total number of tons recycled.

§1084.08. Recycling Community Activities.

- (a) The organizers or sponsors of a Community Activity must establish a system for Source Separation, collection, transportation, and Recycling of Aluminum Cans, Plastic Containers, glass containers, Corrugated Paper, and High-grade Office Paper. Arrangements for the Source Separation and collection of these materials shall be the responsibility of the organizers or sponsors.
- (b) The organizers or sponsors of a Community Activity must establish a collection system that includes an appropriate number of Recycling Containers at easily accessible locations to accommodate the amount of Recyclable Materials generated. Community Activity organizers and sponsors must provide signage and/or labels on Recycling Containers to indicate what Recyclable Materials are to be source-separated by event participants.
- (c) Organizers or sponsors must arrange with a Municipal Waste Collector for the collection of Recyclable Materials.
- (d) No Persons shall place Recyclable Materials in municipal or Leaf Waste containers and no municipal or Leaf Waste shall be placed in Recycling Containers.
- (e) Recyclable Materials must be clean and dry and prepared according to the requirements of the Township or Municipal Waste Collector.

- (f) Organizers or sponsors of a Community Activity must provide a written report to the Township that lists the name of the Community Activity, the Municipal Waste Collector collecting Recyclable Materials, the total quantity of each recyclable material collected, and the name and affiliation of the Person submitting the report. Reports are to be submitted to the Township no later than thirty (30) days upon the conclusion of the event.

§1084.09. Leaf Waste.

- (a) It is prohibited for any Person in the Township to put or cause to be put Leaf Waste in with Municipal Waste or Recyclable Materials. Leaf Waste shall be source-separated from Municipal Waste and Recyclable Materials generated on any property in the Township and stored in a separate Leaf Waste container until collection.
- (b) Nothing herein shall prevent any Person from utilizing Leaf Waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the Leaf Waste is generated.
- (c) Leaf Waste shall be scheduled for collection at least once per month. In the event Township has an agreement with a designated compost facility, collectors may reduce curbside collection of Leaf Waste to once in the spring and once in the fall. Collectors must provide 30 days' notice to customers and the Township of the collection dates for curbside collection of Leaf Waste in the spring and fall.
- (d) Leaf Waste containers shall be placed curbside or in another location as designated by a Municipal Waste Collector for collection. Under no circumstances shall Leaf Waste containers obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
- (e) Leaf Waste containers shall not be placed at the curbside or in another designated location for collection by a Municipal Waste Collector prior to 6:00 PM of the day before the collection day.

§1084.10. Ownership of Recyclable Materials.

Nothing in this Chapter or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of Recyclable Materials by the Persons who generated them unless and until separated materials are placed at curbside or similar location and collected by a Municipal Waste Collector.

§1084.11. Municipal Waste Collector Requirements.

- (a) Collection Requirements.
 - (1) Municipal Waste Collectors shall provide separate collection, removal, and transportation services for Municipal Waste, Recyclable Materials, and Leaf Waste.
 - (2) Recycling Containers shall be provided by the Municipal Waste Collector.

- (3) Single-family Residential Establishments. Municipal Waste and Recyclable Materials shall be collected no less than once a week.
 - (4) Multi-family Residential Establishments. Recyclable material collection frequency shall be set by the owner, Landlord, or agent of an owner or Landlord of a Multi-family Residential Establishment and the Municipal Waste Collector but shall occur no less than once a week. More frequent collection of Recyclable Materials may be necessary to prevent Recycling Containers from being overfilled and cause materials to be blown about or littered on Township streets and on private property.
 - (5) Commercial, Institutional, and Industrial Establishments. Recyclable material collection frequency shall be set by the owner, Landlord, or agent of an owner or Landlord of a commercial, institutional, or Municipal Establishment and the Municipal Waste Collector, but shall occur no less than once a week. More frequent collection of Recyclable Materials may be necessary to prevent Recycling Containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
 - (6) Leaf Waste. All Municipal Waste Collectors shall arrange with their customers to have Leaf Waste collected curbside or in another location as designated by a Municipal Waste Collector for collection separate from Municipal Waste and Recyclable Materials at a frequency of no less than once per month. More frequent collection of Leaf Waste by the Municipal Waste Collector may be necessary to prevent Leaf Waste containers from being overfilled and cause materials to be blown about or littered on Township streets and on private property. In the event Township has an agreement with a designated compost facility, collectors may reduce collection of Leaf Waste to once in the spring and once in the fall upon written approval from the Township.
 - (7) Municipal Waste Collectors shall be responsible for the processing and marketing of the Recyclable Materials or the delivery of Recyclable Materials to a Recycling processor. Such activities may be conducted by the Municipal Waste Collector or any agent thereof or a private entity conducting such business, a nonprofit entity able to undertake such effort or any governmentally owned or operated facility capable of such functions.
- (b) Recordkeeping Requirements.
- (1) Municipal Waste Collectors shall be responsible for obtaining weight and volume data on all Municipal Waste, Recyclable Materials, and Leaf Waste collected.
 - (2) The records shall include the weight of the total quantities of Recyclable Materials and total quantities of Municipal Waste and an estimate of the corresponding volume of material for both Recyclable Materials and Municipal Waste. Estimates of the individual components comprising the commingled Recyclable Materials shall also be provided.
 - (3) Reporting of Leaf Waste may be in the form of estimates on either a cubic yard or tonnage basis collected.

- (4) Written reports shall be provided to the Township and shall include the name and location of the processing center and/or Recyclable Materials dealer. Such reports shall include the name of the market or processor where Recyclable Materials are delivered and shall be signed by an officer of the Municipal Waste Collector. Said data shall be supplied to the on an annual basis by January 30th of each calendar year.
- (5) Municipal Waste Collectors shall maintain records of their collection, removal, transportation and hauling activities and make them available for inspection by the Township, in accordance with the rules and regulations of the Township.
- (6) Municipal Waste Collectors shall provide the Township with a summary of its proposed efforts, including the location of the facility(ies) to which the Recyclable Materials will be delivered. All such facility(ies) shall be appropriately licensed and have necessary approvals. Updates shall be provided to the Township within thirty (30) days of when changes are made to initiating processing and marketing activities.

§1084.12. Prohibited acts.

- (a) It shall be unlawful, and grounds for the suspension or revocation of an authorization, for any Municipal Waste Collector to:
 - (1) Collect or transport Municipal Waste from Persons failing to Source Separate Recyclable Materials and Leaf Waste from Municipal Waste.
 - (2) Comingle or mix Source Separated Recyclable Materials or Leaf Waste collected in the Township with Municipal Waste.
 - (3) Fail to provide for the proper disposal of any Municipal Waste collected or transported within the Township in accordance with this Chapter, county, federal and state laws and regulations.
 - (4) Fail to recycle Recyclable Materials and compost Leaf Waste in accordance with this Chapter and federal and state laws and regulations.
 - (5) Collect Municipal Waste, Recyclable Materials or Leaf Waste between the hours of 8:00 PM and 6:00 AM Eastern Standard Time or, when applicable, between 8:00 PM and 6:00 AM Eastern Daylight-Saving Time. Failure to comply with this provision shall subject a Municipal Waste Collector to enforcement by the Township.
 - (6) Load or operate any vehicle within the Township or transport Municipal Waste, Recyclable Materials, and/or Leaf Waste within the Township in such a manner as to allow Municipal Waste, Recyclable Materials, and/or Leaf Waste to fall upon public roads or upon land abutting the public roads in the Township.
 - (7) Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.

- (b) It shall be a violation of this Chapter for any Person not affiliated with a Municipal Waste Collector to collect or pick up Recyclable Materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
- (c) The burning of Municipal Waste, Recyclable Materials and Leaf Waste shall be prohibited at all times in the Township.
- (d) It is unlawful for any Person in the Township to dump or deposit Municipal Waste, Recyclable Materials, Leaf Waste, or any other refuse on any property in the Township.
- (e) Containers of Municipal Waste, Recyclable Materials, Leaf Waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
- (f) All Persons in the Township are prohibited from storing, processing, or disposing of Municipal Waste, Recyclable Materials, and Leaf Waste on a property except at a facility or in preparation for the collection by a Municipal Waste Collector as provided herein. Notwithstanding the foregoing, Leaf Waste may be composted onsite.
- (g) It shall be unlawful and a public nuisance for any Person to violate, cause or assist in a violation of any provision of this Chapter or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Board of Supervisors pursuant to this Chapter.

§1084.13. Enforcement, Violations and Penalties.

- (a) Concurrent Jurisdiction. The Township and the NMCRC share concurrent jurisdiction for recycling violations of this ordinance pursuant to the IMA and protocols jointly established from time to time by the NMCRC and participating member municipalities.
- (b) Penalties. Any Person who violates any provision of this Chapter or of the regulations adopted hereunder or any Person who engages in unlawful conduct as defined in this Chapter shall, upon conviction thereof in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than \$10,000 and not less than \$250. Each continuing day of any violation of this Chapter or unlawful conduct as defined in this Chapter shall constitute a separate offense punishable by a like fine or penalty.
- (c) Injunction. In addition to any other remedy provided in this Chapter, the Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this Chapter for an injunction to restrain a violation of this Chapter or any rules, regulations or resolution promulgated or issued by the Board of Supervisors pursuant to this Chapter.
- (d) Concurrent remedies. The penalties and remedies prescribed by this Chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided by this Chapter or otherwise provided at law or equity.

§1084.14. Construal.

The terms and provisions of this Chapter are to be liberally construed to best achieve and effectuate the goals and purposes hereof this Chapter shall be construed in *pari materia* with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.

SECTION II. Amended and Restated Intermunicipal Agreement – 2024.

Pursuant to Section 2305 of the Pennsylvania Intergovernmental Cooperation Act, that certain intermunicipal agreement entitled Northern Montgomery County Recycling Commission Amended and Restated Intermunicipal Agreement – 2024, which is incorporated herein by reference, is hereby approved for signature and to enter into intergovernmental cooperation in accordance with the provisions set forth therein.

SECTION III. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted even if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VI. Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Lower Gwynedd Township, Montgomery County, Pennsylvania, this ____ day of _____, 2024.


SIGNATURES COMMENCE ON THE FOLLOWING PAGE

ATTEST:



MIMI GLEASON, TOWNSHIP SECRETARY

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS:**

By: 

DANIELLE A. DUCKETT, CHAIRPERSON