

ORDINANCE NO. 2020-02

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SWATARA, PENNSYLVANIA, BY AMENDING PORTIONS OF ARTICLE I AND ARTICLE II OF CHAPTER 244 THEREOF, ENTITLED THE “SWATARA TOWNSHIP SOLID WASTE ORDINANCE” AND THE “SWATARA TOWNSHIP MUNICIPAL WASTE REDUCTION AND RECYCLING ORDINANCE,” RESPECTIVELY, AND PROVIDING FOR REVISED DEFINITIONS AND ASSOCIATED REQUIREMENTS.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, under the authority of the First Class Township Code by the Board of Commissioners of the Township of Swatara, County of Dauphin, Commonwealth of Pennsylvania, as follows:

SECTION 1. The Code of Ordinances of the Township of Swatara, Pennsylvania, Chapter 244, Article I, “Swatara Township Solid Waste Management Ordinance” is hereby amended in the following respects (All references to section numbers are sections of the existing Swatara Township Solid Waste Ordinance):

A. *Section 244-3 Definitions* is amended by deleting the entire definition of “Acceptable Waste” and replacing it with the following:

ACCEPTABLE WASTE

That portion of solid waste which can be processed and has characteristics such as that collected and disposed of as part of normal municipal collection of solid waste in the Township, such as, but not limited to, garbage, trash, rubbish, paper and cardboard, plastics, refuse, offal, beds, mattresses, sofas, bicycles, baby carriages, automobile or small vehicle tires to the extent the air emission criteria of the facility shall not be violated as a result of processing such tires, as well as portions of commercial and industrial solid waste which may be processed, and wood and lumber, tree limbs, ties, logs and trees if no more than six feet long and/or six inches in diameter; excepting, however, dead animals and other than insignificant amounts of cesspool and other human waste remains, offal from slaughterhouses and wholesale food processing establishments. If any governmental agency or unit having appropriate jurisdiction shall determine that any wastes which are not included, as of the contract date, within this definition of acceptable waste because they are considered harmful, toxic or dangerous to public health and welfare are not considered harmful, toxic or dangerous, then such wastes shall be acceptable waste for purposes of this agreement unless otherwise excluded under the definitions of “unacceptable waste” or “hazardous waste.”

B. *Section 244-3 Definitions* is amended by deleting the entire definition of “Rubbish” and replacing it with the following:

RUBBISH

Metal, plant growth, wood, or nonputrescible solid waste; bulky rubbish shall include discarded furniture, large household appliances such as refrigerators, washing machines, bath tubs, sinks, and commodes.

C. *Section 244-4 Definitions* is amended by deleting the entirety of Section 244-4.A.(3) and replacing it with the following

(3) Rubbish. Rubbish shall be stored in durable containers with tight-fitting covers. Material that cannot be conveniently placed in the aforementioned containers, shall be baled, toed or sacked in compact bundles less than three feet in length and placed in a location easily accessible to the collector.

SECTION 2. The Code of Ordinances of the Township of Swatara, Pennsylvania, Chapter 244, Article II, “Swatara Township Municipal Waste Reduction and Recycling Ordinance” is hereby amended in the following respects (All references to section numbers are sections of the existing Swatara Township Municipal Waste Reduction and Recycling Ordinance):

A. *Section 244-17 Definitions* is amended to add a definition of “Community Activity” as follows:

COMMUNITY ACTIVITY

Events sponsored in whole or in part by a municipality, or conducted within a municipality 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.

B. *Section 244-21 Commercial, institutional, industrial, and municipal establishments* is amended by deleting Section 244-21 in its entirety and replacing it with the following:

§ 244-21 Commercial, institutional, industrial, and municipal establishments, and Community Activities.

A. Commercial, institutional, industrial and municipal establishments, and Community Activities are hereby required to separate all recyclable materials as specified by regulation and to

store such material until collection. The times, dates and places for collection shall be established by regulations. Such regulations shall schedule a minimum of one day per month for pickup of recyclables from commercial, institutional, industrial and municipal establishments, and Community Activities.

B. The owner, landlord, or agent of an owner or landlord of multifamily housing properties with four or more units may comply with the responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this article shall not be liable for noncompliance of occupants of their buildings.

C. Persons occupying commercial (including multifamily rental housing properties with four or more units), institutional, industrial and municipal establishments, or Community Activities within the Township municipal boundaries, not part of the Township curbside recycling program and otherwise providing for the recycling of materials, that are required by this article to recycle must provide, annually, written documentation to the Township of the total number of tons recycled or estimated to be recycled, as well as the name of any authorized collector collecting their recyclables.

SECTION 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 5. Effective Date. The effective date of this Ordinance shall be its date of enactment.

ADOPTED this 11 day of MARCH, 2020.

ATTEST:

Mary Kepp
Secretary

Thomas Connolly
Thomas Connolly, President
Swatara Township Board of Commissioners