

CHAPTER XII

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Part 1

Township Refuse Facility

Section 101. Definitions. The following words, as used in this Part, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning:

(a) "Refuse", all solid municipal waste except sewage, liquid waste, flammable materials, leaves, rocks, broken concrete, construction materials, appliances, furniture or tires.

(b) "Person", any natural person, association, partnership, firm or corporation.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter. (Ordinance No. 57, April 1, 1986, Section 1)

Section 102. Refuse Facility. All refuse shall be deposited in a roll-off body or similar receptacle provided by the Township located adjacent to the Township Building, one and one-half (1 ½) miles west of Hamburg along L. R. 06032, Spur E (Old Route 22), and such area shall be designated the Township Refuse Collection Facility (hereinafter "Facility"). (Ordinance No. 57, April 1, 1986, Section 2)

Section 103. Dumping Prohibitions. No person shall dump, deposit, transport, collect, store, or dispose of refuse in the Township of Tilden except at the Township Facility or at such other approved facility as set forth below, and no person shall dump or deposit any garbage in any roadway ravine or upon the property of another within the boundaries of the Township of Tilden, nor shall any person dispose of garbage in such a manner that it becomes offensive, hazardous to health, or a breeding place for vermin. Storage, collection and disposal of refuse at other than the Facility may only be accomplished if the operator and/or owner of such facility shall first obtain all permits and licenses as may be required by the Township of Tilden, Commonwealth of Pennsylvania, the United States of America, or any of the boards or agencies thereof. (Ordinance No. 57, April 1, 1986, Section 3)

Section 104. Facility Hours. Dumping of refuse at the Facility shall be permitted on Saturday morning of every week between the hours of 8:00 A.M. and 11:30 A.M. and at no other times; provided, however, that the Board of Supervisors of Tilden Township may provide for other dates or items for refuse deposit after notice thereof has been published one time in the Hamburg Item or after notice Given by posting same at the Facility six days prior to any change in time or date. (Ordinance No. 57, April 1, 1986, Section 4)

Section 105. Residency Requirements. Dumping at the Facility shall be permitted

only by persons who reside within the boundaries of the Township of Tilden or who own real property situate within the boundaries of the Township of Tilden. It shall be considered a violation of this Part for any person to misrepresent his or her identity or authority by which such person is depositing materials. Township shall have the authority to require persons depositing materials to sign a log and to identify themselves prior to deposit. (Ordinance No. 57, April 1, 1986, Section 5)

Section 106. Materials Prohibited. Such persons may dump or deposit at the Facility any refuse which originates within the Township of Tilden and accumulates on the property of such person, but not refuse which is brought into the Township of Tilden from outside the boundaries of the Township. No flammable material, leaves, rocks, broken concrete, construction materials, appliances, furniture or tires may be disposed of or deposited at the Facility. (Ordinance No. 57, April 1, 1986, Section 6)

Section 107. Supervision and Control. The Board of Supervisors of Tilden Township shall have the power from time to time to make rules and regulations for the supervision and control of the Township refuse collection facility, which rules and regulations shall be immediately effective after notice thereof has been published one time in the Hamburg Item or which shall be effective six days after they are posted at the Township Municipal Building. A copy of said rules and regulations shall be made available for examination by any person at the office of the secretary and posted at the Township Municipal Building. (Ordinance No. 57, April 1, 1986, Section 7)

Section 108. User Fees. A user fee in accordance with the authority provided by the Local Tax Enabling Act in an amount as set, from time to time, by resolution of the Board of Supervisors, shall be assessed according to the volume and/or weight of the materials disposed at the Facility and shall be payable as prescribed by the Township. (Ordinance No. 57, April 1, 1986, Section 8)

Section 109. Deposit Limitations. Depositing of materials at the Facility shall be limited to three (3) thirty-two gallon containers of like amounts, however delivered, of refuse per household per week. (Ordinance No. 57, April 1, 1986, Section 9)

Section 110. Certifications. Upon depositing refuse at the Facility, an adult member of the household may be required to endorse a certification to be provided in a form approved by the Board of Supervisors, which will set forth the amount of the deposit and the household to which such amount of refuse should be charged. Any misrepresentations contained in this certification will constitute a violation of this Part. This provision shall not constitute a waiver by the Township of its right to bring any appropriate civil or criminal action under any other ordinance of the Township and the laws and regulations of the Commonwealth of Pennsylvania. (Ordinance No. 57, April 1, 1986, Section 10)

Section 111. Penalties for Violation. Any Person, partnership, corporation or other

entity who or which has violated or permitted the violation of the provisions of this Part or any of the rules and regulations adopted pursuant hereto shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollars and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense.

In addition to the remedies set forth above, the Township shall also retain the right to bring a suite in equity to restrain any violations of this Part. (Ordinance No. 57, April 1, 1986, Section 12; as amended by Ordinance No. 113, March 4, 1997, Section 6)

Section 112. Severability. It is the intention of the Board of Supervisors of the Township of Tilden that each separate provision of this Part shall be independent of all other provisions herein and it is further the intention of the Board of Supervisors that if any of the provisions of this Part be declared to be invalid, illegal or unconstitutional, all of the other provisions hereof shall remain valid and in full force. (Ordinance No. 57, April 1, 1986, Section 13)

Part 2

Litter

Section 201. Short Title. This Part shall be known and may be cited as the "Tilden Township Anti-Litter Ordinance". (Ordinance No. 130, August 1, 2000, Section 1)

Section 202. Definitions. For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Aircraft. Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

(b) Authorized Private Receptacle. A litter storage and collection receptacle as used by the citizens of Tilden Township to convey litter to trash haulers for collection.

(c) Commercial Handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) which advertises for sale any merchandise, products, commodity or thing; or

(2) which directs attention to any business, mercantile or commercial establishment, or any other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, however, that nothing

contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of the Commonwealth of Pennsylvania, or under any ordinance of the Township; or

(4) which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(d) Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(e) Litter. Garbage, refuse and rubbish, as defined herein, and all other waste material which if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(f) Newspaper. Any newspaper of general circulation as defined by general law, any newspaper entered with the Postal Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

(g) Noncommercial Handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(h) Park. A park, playground, recreation center or any other public area in the Township, owned or used by the Township, and devoted to active or passive recreation.

(i) Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

(j) Private Premises. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or

appurtenant to such dwelling, house, building or other structure.

(k) Public Place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(l) Refuse. All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

(m) Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(n) Township. The Township of Tilden, Berks County, Pennsylvania.

(o) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Ordinance No. 130, August 1, 2000, Section 2)

Section 203. Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township except in public receptacles or in authorized private receptacles for collection. (Ordinance No. 130, August 1, 2000, Section 3)

Section 204. Placement of Litter in Receptacles so as to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ordinance No. 130, August 1, 2000, Section 4)

Section 205. Sweeping Litter into Gutters, Streets and Public Places Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep any sidewalk in front of their premises free of litter. (Ordinance No. 130, August 1, 2000, Section 5)

Section 206. Businesses' Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or

from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Township shall keep any sidewalk in front of their business premises free of litter. (Ordinance No. 130, August 1, 2000, Section 6)

Section 207. Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Township or upon private property. (Ordinance No. 130, August 1, 2000, Section 7)

Section 208. Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the Township unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being deposited upon any street, alley or other public place, nor shall any person drive or move any vehicle or truck within the Township, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. (Ordinance No. 130, August 1, 2000, Section 8)

Section 209. Litter in Parks. No person shall throw or deposit litter in any park within the Township except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any party of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ordinance No. 130, August 1, 2000, Section 9)

Section 210. Litter in Lakes and Fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the Township. (Ordinance No. 130, August 1, 2000, Section 10)

Section 211. Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Township, nor shall any person hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the Township for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (Ordinance No. 130, August 1, 2000, Section 11)

Section 212. Placing Commercial and Noncommercial Handbills on Vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to

any occupant of a vehicle who is willing to accept it. (Ordinance No. 130, August 1, 2000, Section 12)

Section 213. Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant. (Ordinance No. 130, August 1, 2000, Section 13)

Section 214. Prohibition of Distribution of Handbills Where Properly Posted. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed upon said premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisements" or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises. (Ordinance No. 130, August 1, 2000, Section 14)

Section 215. Distribution of Commercial and Noncommercial Handbills at Inhabited Private Premises; Exemption for Mail and Newspapers. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this Part, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so place or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by Federal postal laws or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein). (Ordinance No. 130, August 1, 2000, Section 15)

Section 216. Dropping Litter from Aircraft. No person in an aircraft shall throw out, drop or deposit within the Township any litter, handbill or any other object. (Ordinance No. 130, August 1, 2000, Section 16)

Section 217. Posting Notices Prohibited. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, shade tree or upon any public structure or building except as may be authorized or required by law. (Ordinance No. 130, August 1, 2000, Section 17)

Section 218. Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the Township , whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ordinance No. 130, August 1, 2000, Section 18)

Section 219. Owner to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ordinance No. 130, August 1, 2000, Section 19)

Section 220. Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the Township whether owned by such person or not. (Ordinance No. 130, August 1, 2000, Section 20)

Section 221. Clearing of Litter from Open Private Property by the Township.

(a) Notice to Remove. The Township Supervisors are hereby authorized and empowered to notify the owner of any open or vacant private within the Township or the agent of such property to dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered or certified mail, return receipt requested, postage paid, addressed to said owner at his last known address.

(b) Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within ten (10) days after receipt of written notice provided for in subsection (a) above, or within ten (10) days after the date of such notice in the event the same is returned to the Township Supervisors because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Township Supervisors are hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Township.

(c) Charge for Removal. When the Township has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior hereto, shall be charged to the owner of such property and forwarded to said owner at his last known address by registered or certified mail, return receipt requested, postage prepaid.

(d) Recorded Statement Constitutes Lien. Where the full amount due to the Township is not paid by such owner within ten (10) days after the disposal of such litter, as provided for in subsections (a) and (b) above, then and in that case the Township Supervisors shall cause to be recorded in the Office of the Prothonotary of Berks County in Reading, Pennsylvania a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with all provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(Ordinance No. 130, August 1, 2000, Section 21)

Section 222. Penalties. In addition to any other remedy provided herein, any person violating any of the provisions of this Part shall be deemed guilty of a summary offense and upon conviction thereof shall be fined in an amount not to exceed Six Hundred Dollars (\$600.00) or be imprisoned in the Berks County Prison for a period not exceeding thirty (30) days, or both; provided, however, that with the consent of the District Justice and the consent of the Defendant who has either pleaded guilty or been found guilty of a violation of this Part, said Defendant may be ordered in lieu of other sentences to perform thirty (30) hours of volunteer service for the Township removing litter from the roads and designated property within the Township at such time and place and in such manner as directed by the Township Board of Supervisors. In the event that the Defendant shall have opted to perform the voluntary community service as immediately aforementioned and, subsequent thereto, failed to perform such service, said person shall be summoned to appear again before the District Justice and be sentenced under the provisions of this section (i.e., he shall receive a fine not to exceed Six Hundred Dollars (\$600.00) or be imprisoned in Berks County Prison for a period not exceeding thirty (30) days, or both). Each day that a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ordinance No. 130, August 1, 2000, Section 22)

Section 223. Severability. If any section, subsection, sentence, clause, phrase or portion of this Part is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ordinance No. 130, August 1, 2000, Section 23)

Part 3

Monitoring and Reporting for Application of Biosolids

Section 301. Tipping Fee and Site Registration Fee. The Township, by resolution which may be amended from time to time, shall impose:

(a) A tipping fee on any individual or entity applying sewage sludge or biosolid products upon any land within Tilden Township in excess of one (1) ton per year.

(b) A site registration fee per calendar year for each property upon which sewage sludge or biosolid products are being applied.

(Ordinance No. 178, September 8, 2007, Section 1)

Section 302. Site Registration. Any individual or entity desirous of applying sewage sludge or biosolid products on any land within Tilden Township, with the exception of permitted landfills, in excess of one (1) ton per year, must register said site with the Township. The registration shall include the following:

(a) The name and address of the applicant.

(b) The name of the record owner of the land to which the sewage sludge or biosolid products will be applied, and the consent of the record owner of the land to the application of sewage sludge or biosolid products to the land, if the applicant is not the record owner of the land.

(c) The address and location of the land to which the sewage sludge or biosolid products will be applied.

(d) The name and address of the entity actually applying the sewage sludge or biosolid products.

(e) An identification of:

(1) The source(s) of the biosolid or sewage sludge product(s);

(2) A chemical analysis of the biosolid or sewage sludge product(s);

(3) A fecal coliform count and pathogen analysis;

(4) Amount, date(s) and frequency of planned application.

(f) A copy of the permit from the Pennsylvania Department of Environmental Protection for the application of sewage sludge or biosolid products.

(Ordinance No. 178, September 8, 2007, Section 1)

Section 303. Inspection and Monitoring.

(a) Tilden Township reserves the right to perform the following actions with respect to land on which biosolid products or sewage sludge is applied:

(1) Entering the land for purposes of conducting soil analysis;

(2) Entering the land to determine compliance with setbacks, stormwater management, and erosion and sedimentation controls required by the regulations of the Pennsylvania Department of Environmental Protection, and contained in the Pennsylvania Solid Waste Management Act and the Pennsylvania Nutrient Management Act; and,

(3) Taking and analyzing samples of biosolid products or sewage sludge as deemed necessary to protect public health, safety, and welfare.

(b) Any variation in application practice, content or composition of soil, or content or composition of product which is outside of parameters authorized by the laws and regulations of the Commonwealth of Pennsylvania or the United States of America shall be reported by the Township to the Pennsylvania Department of Environmental Protection or other authorized agency for enforcement by the same.

(c) The applicant shall, for each application of biosolid products or sewage sludge, provide a copy of the manifest to the Township for the product applied.

(d) Each property owner adjacent to land on which the biosolid products or sewage sludge shall be entitled, at the applicant's expense, to testing of their on-site well water by a certified laboratory prior to the use of biosolid products or sewage sludge on the land, and once every six (6) months thereafter for a period of five (5) years.

(Ordinance No. 178, September 8, 2007, Section 1)

Section 304. Renewal of Registration.

- (a) Registrations must be renewed annually.
- (b) Registrations must be updated if any new source(s) of biosolid or sewage sludge are added.

(Ordinance No. 178, September 8, 2007, Section 1)

Section 305. Quarterly reporting. A quarterly report must be filed at the Township Municipal Building to verify amounts applied and to verify payment of the tipping fee, and pay any additional amounts for additional tonnage applied. (Ordinance No. 178, September 8, 2007, Section 1)

Section 306. Enforcement. Any person who violates or permits the violation of this Part shall, upon being found liable therefore in an enforcement proceeding commenced by the Township, pay a civil penalty not exceeding One Thousand Dollars and 00/100 (\$1,000.00), plus all court costs and reasonable attorney's fees incurred by the Township. Each and every day during which a violation is found to have occurred shall constitute a separate violation. (Ordinance No. 178, September 8, 2007, Section 1)

Section 307. Severance clause. Should any section, paragraph, clause, or phrase of this Part be declared unconstitutional, unlawful, or invalid by a Court of competent jurisdiction, the remainder of said Part shall not be affected thereby, and shall remain in full force and effect. (Ordinance No. 178, September 8, 2007, Section 1)

Part 4

Municipal Waste and Recyclable Collection

Section 401. Title. This Ordinance shall be known and may be cited as the Municipal Waste and Recyclable Collection Ordinance. (Ordinance No. 188, November 1, 2008, Section 1)

Section 402. Definitions.

Aluminum Cans. Empty all-aluminum beverage and food containers.

Bimetallic Containers. Empty food or beverage containers consisting of steel and aluminum.

Commercial Establishment. Those properties used primarily for commercial or industrial purposes.

Corrugated Paper. Structure paper material with inner core shaped in rigid parallel furrows and ridges.

Designated Recyclable Materials. Materials found within the municipal waste streams that have been designated for collection under the Township's Recycling Collection Program.

Ferrous Containers. Empty steel or tin-coated steel food or beverage containers.

Glass Container. Bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass and porcelain and ceramic products, pyrex, coffee mugs, drinking glasses or light bulbs.

High-Grade Office Paper. All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

Institutional Establishment. Those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

Leaf Waste. Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Multi-Family Housing Properties. Any properties having six (6) or more dwelling units per structure.

Municipal Establishments. Public facilities operated by the municipality and other governmental and quasi-governmental authorities.

Municipal Waste. Any 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 in Act 97 and Act 101 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility, but excluding source separated recyclables.

Municipality. The Township of Tilden, Berks County, Pennsylvania.

Municipal Waste Collector. Any collector registered pursuant to this Part and the regulations established by Resolution adopted hereunder, and pursuant to any Intermunicipal Agreement subsequently executed by the Township with Berks County or other municipalities.

Person. Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment, or any combination of the foregoing, "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plastics. Empty PET plastic bottles (soda bottles) and HDPE plastics (laundry detergent bottles and/or plastic milk containers).

Public Agency. Any State agency or local public agency.

Recyclable Materials. Only those materials required to be recycled pursuant to the provisions of regulations established by Resolution adopted hereunder, as revised from time to time.

Resident. Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as the subject of rights and duties, which owns, leases or occupies a property located in the Township used as a residence and containing five (5) or less dwelling units.

Source Separated Recyclables. Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

Storage. The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any municipal waste in excess of one (1) year constitutes disposal.

Township. The Township of Tilden, Berks County, Pennsylvania.

Yard Waste. Leaves, grass clippings, harden residue, tree trimmings, chipped shrubbery and other vegetative material.

(Ordinance No. 188, November 1, 2008, Section 1)

Section 403. Recyclable Materials. Designated recyclable materials for the Township Collection Program shall consist of such materials as aluminum and tin cans, mixed/high-grade office paper, glass bottles and jars, plastics-PET/HDPE-bottles and jars, cardboard/corrugated paper (excluding yard waste), and any other materials which may be designated by Resolution adopted, from time to time, by the Board of Supervisors of the Township. (Ordinance No. 188, November 1, 2008, Section 1)

Section 404. Separation of Recyclable Materials. All persons residing within the Township, whether in single-family or multi-family dwellings, townhouses, apartments, multi-family housing properties and mobile home parks, shall separate from other municipal waste generated at their dwellings all designated recyclable materials. These materials shall be stored by the Person until the Person delivers the recyclable materials to the Drop-Off Location designated by the Township. The Township, from time to time, hereafter by resolution, may designate other items to be recycled. Nothing in this Part, or subsequently promulgated regulations relating hereto, shall be deemed to impair the

ownership of separated materials by the person or persons who generated them, unless and until such materials are delivered to the Drop-Off Location, for collection by the Township, or its agents, at which time ownership of said materials shall pass to the Township. (Ordinance No. 188, November 1, 2008, Section 1)

Section 405. Residential, Commercial, Municipal or Institutional Separation and Collection. All persons owning, leasing, operating, managing and/or otherwise controlling residential, commercial, municipal or institutional establishments, or community activities, shall separate high grade office paper, aluminum and corrugated paper. All persons shall contract with a Commonwealth of Pennsylvania licensed hauler and maintain receipts for a minimum of two years. Commercial, Municipal or Institutional facilities shall maintain Annual reports, in writing, of the number of tons of such material recycled, and shall be made to the Township by the 15th day of January of the following year. (Ordinance No. 188, November 1, 2008, Section 1)

Section 406. Drop-Off Location and Access. The Township shall establish a location for the recycling drop-off facility which shall be open at the convenience of the residents of the Township upon issuance of a Township issued access card. (Ordinance No. 188, November 1, 2008, Section 1)

Section 407. Exemption. Persons owning, leasing, operating or managing commercial, institutional or municipal establishments within the boundaries of the Township who have provided for, or who hereafter provide for, the recycling of materials required to be recycled by the terms of this Part, or by the terms of the Municipal Waste Planning, Recycling and Waste Reduction Act of the Commonwealth, are hereby exempt from the terms of this Part. To be eligible for the foregoing exemption, a commercial, institutional or municipal establishment generating municipal waste must annually provide written documentation to the Township of the total number of tons recycled by the 15th day of January of each year. (Ordinance No. 188, November 1, 2008, Section 1)

Section 408. Ownership of Materials. Designated recyclable materials, from time to time, and the placement of the same at curb side, or other designated collection area, in accordance with the terms hereof or of subsequently adopted regulations, shall be and become the property of the Township, or its authorized or designated agent or agents. Prior thereto said designated recyclable materials shall remain the property of the persons who generated the same. It shall be a violation of the Part for any person not so authorized by the Township to act as its agent or agents for the collection of the designated recyclable materials. (Ordinance No. 188, November 1, 2008, Section 1)

Section 409. Removal by Licensed Haulers. Every person residing in the Township shall contract with an individual, entity or firm which is a licensed hauler by the Commonwealth of Pennsylvania to have all the municipal waste generated on the premises

by any of the occupants of the premises removed and deposited in a permitted landfill not less than on a weekly basis. (Ordinance No. 188, November 1, 2008, Section 1)

Section 410. Municipal Waste/Recyclable Collectors.

(a) Registration. Every person desiring to engage in, continue to engage in or hereafter to begin to engage in the business of collecting, removing, transporting or hauling municipal waste and recyclable materials from any property in the Township shall first register with the Township. Such registration shall be for a period of one (1) year beginning January 1st of the year in which the registration occurs.

(b) Collection Equipment and Transportation Vehicles. The collection equipment and transportation vehicles used for the collection of municipal waste shall be of the closed metal body type with an automatic compactor unit. Said vehicles shall, at all times, be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All haulers operating in the Township must be licensed in the Commonwealth of Pennsylvania under Act 90.

(c) Certificate of Insurance. No person shall be entitled to register with the Township as a collector unless such collector can show certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance, and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be, from time to time, set forth by the Board of Supervisors of the Township by regulations established by Resolution adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Part shall carry with it an endorsement to the effect that the insurance carrier will convey to the Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above mentioned written notice shall be mailed to the Township at least thirty (30) days prior to the effective date of any such modification, alteration or cancellation.

(d) Collection Procedures. Municipal waste collectors shall not be required to collect municipal waste of any resident where it is obvious that recyclable materials have not been separated pursuant to this Part.

(e) Rates Schedule. Each municipal waste collector shall, annually, file with the Township a rate schedule showing the rates to be charged to its customers for the collection of municipal waste and recyclable materials. Such rate schedules shall not be changed by the municipal waste collector without first giving notice to

the township at least thirty (30) days prior to the effective date of such change. Each municipal waste collector shall also file with the Township, annually, or upon changes of the routes, a map showing the areas in which it operates and a timetable setting forth the days of collection.

(f) Registration Fee. At the time of registration, the collector shall pay to the Township a registration fee in an amount and form as may be adopted, from time to time, by Resolution of the Board of Supervisors of the Township.

(Ordinance No. 188, November 1, 2008, Section 1)

Section 411. Violations. It shall be unlawful for:

(a) Any persons, other than those persons authorized, to collect any designated recyclable which has been placed at the curb side or similar location for collection;

(b) Any person to violate or to cause or to assist in the violation of any provision of this Part;

(c) Any person to place, or cause to be placed, any materials other than a designated recyclable in recycling containers;

(d) Any person to hinder, to obstruct, to prevent or to interfere with the Township or any other authorized person in the performance of any duty under this Part.

Any person who shall violate the provisions of this Part shall receive an official written notice of non-compliance from the Township for the first (1st) and second (2nd) offenses. Thereafter, all such violations shall be subject to penalties hereinafter provided. (Ordinance No. 188, November 1, 2008, Section 1)

Section 412. Rules and Regulations. The collection of municipal waste and recyclable materials by municipal waste collectors shall be made in compliance with the regulations to be adopted by the Board of Supervisors of the Township to carry out the intent and purpose of this Part. Such rules and regulations shall be approved by Resolution of the Board of Supervisors of the Township; 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 replaced by Resolution of the Board of Supervisors of the Township. (Ordinance No. 188, November 1, 2008, Section 1)

Section 413. Penalties. Any person who violates any provision of this Part, or of the regulations adopted hereunder, or any person who knowingly commits, takes part or assists in any such violation, shall, upon conviction thereof before a District Justice, have prescribed by the Board of Supervisors criminal fines of not less than \$100.00 for a first offense, \$250.00 for a second offense and \$500.00 for a third and subsequent offense, nor more than \$1,000.00 per violation (excluding the first two written notices of non-compliance), and may have prescribed imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this Part continues after notice shall constitute a separate offense punishable by a like fine or penalty. In addition to said penalty, the Township may institute any appropriate action or proceeding, whether by legal process or otherwise, to prevent any illegal act, conduct, business or use on or about such premises subject to this Part. (Ordinance No. 188, November 1, 2008, Section 1)

Section 414. Severability. Should any clause, section or part of this Part be held unconstitutional, illegal or unenforceable by any Court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of the Part. It is hereby declared that such clauses, sections or parts as are legal would have been enacted independently of the invalid portion had the invalidity of such clause, section or part be known, and it is the intention of the Township that such remainder shall be and remain in full force and effect. (Ordinance No. 188, November 1, 2008, Section 1)