

Chapter 68

GARBAGE, MUNICIPAL WASTE, RECYCLABLE MATERIALS AND LEAF WASTE

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[HISTORY: Adopted by the BOARD OF COMMISSIONERS of the TOWNSHIP of Upper St. Clair 5-4-64 as Ord. No. 225. Section 68.5, 68.6.6 and 68.11 amended at time of adoption of CODE; see Ch. 1, Adoption of TOWNSHIP CODE. Amended by Ord. No. 1440 dated 5-7-90. Other amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation – See Ch. 3
Brush, grass and weeds – See Ch. 48.
Junk – See Ch. 80.
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ARTICLE I RESIDENTIAL GARBAGE, MUNICIPAL WASTE, RECYCLABLE MATERIALS AND LEAF WASTE

§68.1. Definitions.

The following words, terms and phrases shall be construed in this chapter to have the following meanings, except in those instances where the context clearly indicates otherwise:

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

ALUMINUM – All empty ALUMINUM beverage or food cans.

BI-METAL CONTAINERS – Empty food or beverage containers consisting of steel and ALUMINUM.

BULKY WASTE – All compactable furniture no larger than forty-eight (48) inches in length, children’s swing sets and the like, trunks, stoves, refrigerators, furnace pipes, water boilers, and all other similar types of compactable RUBBISH. [**Added 3-4-91 by Ord. No. 1494**]

COMMERCIAL ESTABLISHMENTS – Those properties used primarily for commercial or industrial purposes, and those multiple DWELLING residential buildings containing four (4) or more DWELLING units.

COMMERCIAL HAULER – Any individual or entity which operates a business involving the removal of MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE.

COMMERCIAL WASTE – MUNICIPAL WASTE generated at a municipal, commercial or institutional location.

COMMUNITY ACTIVITIES – Events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organizations sporting events attended by 200 or more individuals per day.

CONTRACTOR – The entity the TOWNSHIP engages as an independent CONTRACTOR to remove MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE.

CORRUGATED PAPER – Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

DWELLING – A place of RESIDENCE within the TOWNSHIP for one (1) or more PERSON where MUNICIPAL WASTE and RECYCLABLE MATERIALS are generated through normal living procedure.

GARBAGE – Any solid WASTE derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors. [**Amended 3-4-91 by Ord. No. 1494**]

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 including, but not limited to, housing for the elderly, hospitals, nursing homes, orphanages, day care centers, schools and universities.

LEAD ACID BATTERIES – Including but not limited to automotive, truck and industrial batteries that contain lead.

LEAF WASTE – Leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

LOT WIDTH – The distance between the side lot lines. **[Added 3-4-91 by Ord. No. 1494]**

MULTI-FAMILY HOUSING PROPERTIES – Any properties having four (4) or more DWELLING units per structure.

MUNICIPAL ESTABLISHMENT – Public facilities operated by the TOWNSHIP and other governmental and quasi-governmental authorities.

MUNICIPAL WASTE – Any GARBAGE, BULKY WASTE, REFUSE, industrial lunchroom or office WASTE, including solid, liquid, semisolid or contained gaseous material, resulting from operation of RESIDENTIAL, MUNICIPAL, COMMERCIAL or INSTITUTIONAL ESTABLISHMENTS and from COMMUNITY ACTIVITIES and any sludge not meeting the definition of residual or hazardous WASTE in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, WASTE water treatment plant or air pollution control facility. The term does not include SOURCE-SEPARATED RECYCLABLE MATERIALS. **[Amended 3-4-91 by Ord. No. 1494]**

NEWSPRINT – Paper of the type commonly referred to as newspaper and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are NEWSPRINT which have been soiled. Color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with NEWSPRINT may also be excluded depending upon end market requirements. This will be specified in the RECYCLING Program Requirements.

OCCUPANT – The PERSON generally in possession and control of any DWELLING.

PERSON(S) – Owners, lessees, and OCCUPANTS of RESIDENCES and COMMERCIAL, MUNICIPAL and INSTITUTIONAL ESTABLISHMENTS.

PLASTIC CONTAINERS – Empty plastic food and beverage containers. Due to the wide variety of types of plastics, the TOWNSHIP may stipulate specific types of plastic which may be recycled.

PRINCIPAL BUILDING – The main building or buildings on a lot in which the principal use or uses are conducted. **[Added 3-4-91 by Ord. No. 1494]**

RECYCLABLE MATERIALS – Materials generated by RESIDENCES and COMMERCIAL, MUNICIPAL and INSTITUTIONAL ESTABLISHMENTS which can be separated from MUNICIPAL WASTE and returned to commerce to be reused as a resource in the development of useful products. RECYCLABLE MATERIALS may include, but are not necessarily limited to, clear glass, colored glass, ALUMINUM, steel and bimetallic cans, HIGH GRADE OFFICE PAPER, NEWSPRINT, CORRUGATED PAPER, LEAF WASTE, plastics, cooking grease, and any other reusable by-products of consumer goods or services. Designated RECYCLABLE MATERIALS may be revised from time to time as deemed necessary by the TOWNSHIP. **[Amended 9-7-93 by Ord. No. 1598]**

RECYCLING – The collection, separation, recovery and sale or re-use of metals, glass, paper, LEAF WASTE, plastics and other materials which would otherwise be disposed or processed as MUNICIPAL WASTE or the mechanized separation and treatment of MUNICIPAL WASTE (other than through combustion) and creation and recovery of reusable materials.

REFUSE – All solid WASTE materials which are discarded as useless. **[Added 3-4-91 by Ord. No. 1494]**

RESIDENCES – Any occupied single or multi-family DWELLINGS having up to four (4) DWELLING units per structure for which the TOWNSHIP provides MUNICIPAL WASTE collection service.

RUBBISH – All non-putrescible MUNICIPAL WASTE except GARBAGE and other decomposable matter. This category includes but is not limited to ashes, bedding, crockery, broken glass, paper, rags, wood, grass clippings and household REFUSE generally. Excluded, however, are any items designated by the TOWNSHIP as RECYCLABLE MATERIALS. **[Added 3-4-91 by Ord. No. 1494]**

RULES AND REGULATIONS – Rules and Regulations adopted by the TOWNSHIP MANAGER which govern the administration of REFUSE, RECYCLING and LEAF WASTE collection and disposal. **[Added 10-3-94 by Ord. No. 1644]**

SOURCE SEPARATED RECYCLABLE MATERIALS – Materials separated at the point of origin for the purpose of being recycled.

WASTE – Material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include SOURCE SEPARATED RECYCLABLE MATERIALS or material approved by the Pennsylvania Department of Environmental Resources for beneficial use.

§68.2. MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE to be collected and disposed of by TOWNSHIP CONTRACTOR.

MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE within the TOWNSHIP shall, when properly prepared for collection as herein defined, be collected, removed and disposed of by the CONTRACTOR of the TOWNSHIP under the direction and supervision of the TOWNSHIP MANAGER. Excluded from collection is dirt, stones, block, brick, plaster, wood or other construction material or debris resulting from repairs, alterations or new construction of buildings or sidewalks and COMMERCIAL WASTES. **[Amended 5-7-90 by Ord. No. 1440]**

§68.3. Preparation and adoption of RULES AND REGULATIONS.

The TOWNSHIP MANAGER may prepare reasonable RULES AND REGULATIONS, consistent with the provisions of this chapter, for the effective administration and enforcement of the provisions of this chapter. Such RULES AND REGULATIONS shall then become a part of this chapter, and any PERSON violating such RULES AND REGULATIONS shall be punishable as for a violation of this chapter.

§68.4. Designation of collection zones and days of collection.

The TOWNSHIP MANAGER, aided by the TOWNSHIP CONTRACTOR, shall divide the TOWNSHIP into collection zones and designate the days on which MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE shall be collected in the various zones.

§68.5. Frequency of MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE and recyclable collection.

68.5.1. MUNICIPAL WASTE shall be collected and removed from the curb line in front of a DWELLING once each week by the TOWNSHIP CONTRACTOR.

68.5.2. RECYCLABLE MATERIALS shall be collected and removed from the curb line in front of a DWELLING once every other week by the TOWNSHIP CONTRACTOR. The TOWNSHIP may at its sole discretion, increase the frequency of collection to once a week. Public notice shall be given in advance of this change.

68.5.3. LEAF WASTE shall be collected and removed from the curbside in front of a DWELLING on a schedule determined by the TOWNSHIP. Public notice will be given in advance of collections.

§68.6. Duties of Occupant.

It shall be the duty of every residential OCCUPANT: **[Amended 5-7-90 by Ord. No. 1440]**

68.6.1. To provide for the storage of MUNICIPAL WASTE a receptacle or receptacles of substantial construction, of rust-resistant metal or plastic, equipped with tight-

fitting lids and strong handles, of a maximum content of thirty-two (32) gallons and weighing, with contents, not in excess of seventy-five (75) pounds each, and to maintain the same in reasonably sanitary condition and without ragged or sharp edges or other similar defects. MUNICIPAL WASTE may also be set out in properly sealed plastic GARBAGE bags, provided they can be sanitarily maintained.

68.6.2. To provide at all times on his premises a sufficient number of such receptacles to hold all MUNICIPAL WASTE which may accumulate on the premises of the OCCUPANT during the intervals herein prescribed between the collections of the same by the TOWNSHIP CONTRACTOR.

68.6.3. To deposit all MUNICIPAL WASTE which may be produced or accumulated on his premises in such proper receptacle.

68.6.4. To drain MUNICIPAL WASTE of all liquids and to wrap all MUNICIPAL WASTE in paper or similar material before depositing the same in the receptacle.

68.6.5. To keep all receptacles for the storing of MUNICIPAL WASTE securely covered to prevent any of their contents from being disturbed or scattered by animals or other causes and to prevent the propagation of rodents, insects and vermin.

68.6.6. To separate all RECYCLABLE MATERIALS designated by the TOWNSHIP from other residential GARBAGE. RECYCLABLE MATERIALS shall be placed at the curbside in containers provided by the TOWNSHIP for collection (in accordance with Section 68.6.8.). Any containers provided to RESIDENCES for collection of RECYCLABLE MATERIALS shall be the property of the TOWNSHIP and shall be used only for the collection of RECYCLABLE MATERIALS. Any resident who moves within or from the TOWNSHIP shall be responsible for returning the allocated container(s) to the TOWNSHIP or shall pay the replacement fee for said container(s) as specified in Chapter 57. Residents who must replace lost or damaged container(s) are also subject to this replacement fee. Use of RECYCLING containers for any purpose other than the designated RECYCLING program or use of the RECYCLING containers by any PERSON other than the PERSON allocated such container(s) shall be a violation of this Chapter.

68.6.7. To separate LEAF WASTE from other MUNICIPAL WASTE generated at their house, apartments and other residential establishments for collection unless those PERSONS have otherwise provided for composting of LEAF WASTE.

68.6.8. To place all receptacles for MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE at the curb line, with reasonable compactness, no earlier than the time designated by the RULES AND REGULATIONS on the day preceding the day designated for the collection and removal from such property, and to remove the emptied MUNICIPAL WASTE and RECYCLABLE MATERIALS container(s) not later than 12:00 midnight on the date of pickup. No MUNICIPAL WASTE, RECYCLABLE MATERIALS and/or LEAF WASTE containers may be placed or maintained in the area between any STREET

and the façade of the PRINCIPAL BUILDING, including all projections and notches, most nearly parallel to and facing the STREET and extending for the full LOT WIDTH, except during the times designated herein. [Amended 3-4-91 by Ord. No. 1494]

68.6.9. To follow specific program RULES AND REGULATIONS of the TOWNSHIP. A copy of the TOWNSHIP'S MUNICIPAL WASTE RECYCLABLE MATERIALS and LEAF WASTE RULES AND REGULATIONS shall be distributed to TOWNSHIP residents at least once each year. The TOWNSHIP MANAGER or other designated official is authorized and directed to make reasonable interim changes to the RULES AND REGULATIONS for the operation and enforcement of this Chapter as deemed necessary.

§68.7. Material collected to be property of TOWNSHIP CONTRACTOR.

All MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE placed at curbside for collection by the TOWNSHIP CONTRACTOR shall be and become the property of the TOWNSHIP CONTRACTOR.

§68.8. Collection by other than TOWNSHIP CONTRACTOR(S) prohibited; exception.

It shall be unlawful for any PERSON other than the TOWNSHIP CONTRACTOR(S) to engage in or conduct the business of collecting, removing or disposing of MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE from DWELLINGS within the limits of the TOWNSHIP. This shall in no way limit any COMMERCIAL, INDUSTRIAL or INSTITUTIONAL ESTABLISHMENT from contracting for REFUSE service with haulers duly licensed by the TOWNSHIP.

§68.9. Interference with or removal of receptacles; scavenging.

It shall be unlawful for any PERSON, other than the TOWNSHIP CONTRACTOR while in the process of collecting MUNICIPAL WASTE, RECYCLABLE MATERIALS or LEAF WASTE, to interfere in any manner with any receptacle for the storing of MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE, or with the contents thereof, or to remove such receptacle or the contents thereof from the location where the same is placed by the owner thereof.

§68.10. Donations.

An RESIDENCE may donate or sell RECYCLABLE MATERIALS to any PERSON, firm or corporation, whether operating for profit or not, provided that the receiving PERSON, firm or corporation shall not collect such donated RECYCLABLE MATERIALS from the collection point of a RESIDENCE or COMMERCIAL, MUNICIPAL or INSTITUTIONAL ESTABLISHMENT without prior written permission from the TOWNSHIP MANAGER.

§68.11 Prohibited acts.

It shall be unlawful for any PERSON:

68.11.1. To dispose of, deposit or place or cause or permit to be disposed of, deposited or placed any MUNICIPAL WASTE, RECYCLABLE MATERIALS or LEAF WASTE upon or in any public STREET, alley, lane, place, catch basin or receptacle leading into any sewer or in or upon any vacant lot within the limits of the TOWNSHIP.

68.11.2. To dispose of RECYCLABLE MATERIALS and LEAF WASTE with MUNICIPAL WASTE. The collected RECYCLABLE MATERIALS shall be taken to a RECYCLING facility. Disposal by collectors or operators of RECYCLING facilities of SOURCE SEPARATED RECYCLABLE MATERIALS in landfills or to be burned in incinerators is prohibited. **[Amended 5-4-92 by Ord. No. 1538]**

68.11.3. To dispose of MUNICIPAL WASTE, RECYCLABLE MATERIALS or LEAF WASTE in any manner other than as provided in this chapter or to keep MUNICIPAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE in receptacles other than those prescribed herein.

68.11.4. To obstruct, delay or interfere with the collectors of RECYCLABLE MATERIAL or LEAF WASTE in the performance of their duties.

68.11.5. To dispose of LEAD ACID BATTERIES with other MUNICIPAL WASTES.

68.11.6. It shall also be unlawful for any WASTE haulers to dispose of MUNICIPAL WASTE collected within the TOWNSHIP at a landfill other than those cited in the Allegheny County solid Waste Plan – 1990, or on subsequent revisions thereto. **[Added 3-4-91 by Ord. No. 1494]**

§68.12. Violations and penalties.

Any PERSON who shall violate any of the provisions of this chapter shall be subject to the provision of Chapter 5, Enforcement of Ordinances; Penalties.

**ARTICLE II
COMMERCIAL, INSTITUTIONAL & MUNICIPAL ESTABLISHMENTS
COMMERCIAL WASTE, RECYCLABLE MATERIALS
AND LEAF WASTE COLLECTION**

§68.13. License Required.

No PERSON shall collect COMMERCIAL WASTE or RECYCLABLE MATERIALS from any premises within the TOWNSHIP without first obtaining a license from the TOWNSHIP MANAGER in the manner set forth herein. Such license shall be valid for a period of one (1) year. [Amended 9-7-93 by Ord. No. 1598]

§68.14. Manner of Obtaining a License.

68.14.1. Any PERSON, PERSONS, or entity desiring to procure a license as a COMMERCIAL HAULER shall apply thereof in writing to the TOWNSHIP MANAGER. Said application shall set forth:

68.14.1.1. The name or names and the RESIDENCE or RESIDENCES of the PERSON, PERSON, firm or corporation so applying.

68.14.1.2. The districts from which collections are to be taken for disposal.

68.14.1.3. The name of the owner(s) of the premises from which collections are to be made.

68.14.2. The information required in Subsections 68.14.1.1. and 68.14.1.2. shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

68.14.3. The applicant must submit evidence that each vehicle to be used by the COMMERCIAL HAULER has been inspected by the COMMONWEALTH and that the vehicle's hydraulic system has been examined and is free from defect.

68.14.4. The applicant must submit evidence that such vehicle to be used by the COMMERCIAL HAULER is covered by general liability and personal injury and property damage insurance with coverage limits satisfactory to the TOWNSHIP.

68.14.5. No license shall be granted until a period of fourteen (14) days shall have elapsed from the date of application, during which time the TOWNSHIP MANAGER or his designated representative shall investigate the facts set forth in the application. No license shall be granted to any PERSON who has been convicted of a misdemeanor or felony involving moral turpitude or who has misrepresented or omitted a material fact in the license applications. Upon later discovery by the TOWNSHIP of any such misrepresentation, omission or criminal record, the license shall automatically be canceled.

68.14.6. The license shall be valid for a period of one (1) year. Renewal of the license will be granted for additional periods of one (1) year provided that the COMMERCIAL HAULER has performed in accordance with the Article during the preceding year, upon presentation to the TOWNSHIP MANAGER of the information required in Subsections 68.14.3. and 68.14.4. hereof, Execution of a Renewal Application.

§68.15. License Fee.

The fee for a COMMERCIAL HAULER'S license shall be as established in Chapter 57.20 of the TOWNSHIP CODE.

§68.16. Registration Number; Placard for Vehicles.

All COMMERCIAL HAULERS shall be assigned a registration number by the TOWNSHIP MANAGER. A placard, at the COMMERCIAL HAULER'S expense, shall be placed, one on each side of the collection vehicle with the name of the COMMERCIAL HAULER and registration number, and room shall be left on such placard for placing a license insignia. All placards shall be approved by the TOWNSHIP MANAGER.

§68.17. Collection Practices.

Each COMMERCIAL HAULER licensee shall:

68.17.1. Make collections in an orderly manner, complying with all health and safety laws and ordinances, and the orders of the TOWNSHIP MANAGER.

68.17.2. Ensure that no COMMERCIAL WASTE, RECYCLABLE MATERIALS or LEAF WASTE is dropped or scattered on the STREETS or premises from which collections are made.

68.17.3. Keep collection receptacles and vehicles in good repair and properly covered at all times as air and as water-tight as is reasonably possible.

68.17.4. Make collections in business or commercial districts no earlier than 6:00 A.M. and no later than 5:00 P.M. and in such places as will not interfere with the movement of traffic or the peace of the surrounding neighborhoods.

68.17.5. Take collections for incineration or other disposal only to such places as are lawfully authorized and approved by the COMMONWEALTH Department of Environmental Resources.

68.17.6. Not dispose of COMMERCIAL WASTE collected within the TOWNSHIP at a landfill other than those cited in the Allegheny County Solid Waste Plan – 1990, or on subsequent revisions thereto.¹ [Added 3-4-91 by Ord. No. 1494]

§68.18. Reports Required.

Each COMMERCIAL HAULER licensee shall file on January 1 of each year, with the TOWNSHIP MANAGER, a list of all places from which collections are made stating whether

¹ Editors Note: This language was revised to correct an error in the adoption of Ord. No. 1494.

COMMERCIAL WASTE or RECYCLABLE MATERIALS or both is collected and stating the approximate monthly tonnage. The list shall be filed quarterly reflecting any changes.

§68.19. Duties of Owners of COMMERCIAL, MUNICIPAL and INSTITUTIONAL ESTABLISHMENTS.

68.19.1. Provide for the storage of COMMERCIAL WASTE in a receptacle or receptacles of substantial construction, or rust-resistant metal, equipped with tight-fitting lids and strong handles, and to maintain the same in reasonable sanitary condition and without ragged or sharp edges or other similar defects.

68.19.2. PERSONS must separate from COMMERCIAL WASTE all HIGH GRADE OFFICE PAPER, ALUMINUM, CORRUGATED PAPER, LEAF WASTE and such other materials as may be designated by the TOWNSHIP generated at COMMERCIAL, MUNICIPAL and INSTITUTIONAL ESTABLISHMENTS and from COMMUNITY ACTIVITIES and store the RECYCLABLE MATERIALS until collection by a COMMERCIAL HAULER permitted by the TOWNSHIP.

68.19.3. Provide at all times on COMMERCIAL ESTABLISHMENT'S premises a sufficient number of such receptacles to hold all COMMERCIAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE which may accumulate on the premises of the COMMERCIAL ESTABLISHMENT during the intervals between collection of the same by a licensee.

68.19.4. Deposit all COMMERCIAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE which may be produced or accumulated on the premises into proper receptacles.

68.19.5. Keep all receptacles behind the area of the lot between any STREET and the façade of the PRINCIPAL BUILDING, including all projections and notches, most nearly parallel to and facing the STREET and extending for the full LOT WIDTH and screen them from view by means of a permanent structure, hedges or other device. **[Amended 3-4-91 by Ord. No. 1494]**

68.19.6. Drain GARBAGE of all liquids and wrap all COMMERCIAL WASTE in paper or similar material before depositing the same in the receptacle.

68.19.7. Arrange for the collection of all COMMERCIAL WASTE at least twice per week, or at such greater frequency as necessary. RECYCLABLE MATERIALS should be collected as necessary. Owners of COMMERCIAL or INSTITUTIONAL ESTABLISHMENTS shall not permit the collection of COMMERCIAL WASTE from their COMMERCIAL or INSTITUTIONAL ESTABLISHMENTS by a COMMERCIAL HAULER who has not obtained a license as required by this Chapter. **[Amended 5-4-92 by Ord. No. 1538]**

68.19.8. No commercial GARBAGE or commercial RUBBISH may be placed or maintained in the area between a STREET and the façade of the PRINCIPAL BUILDING,

including all projections and notches, most nearly parallel to and facing any STREET and extending for the full LOT WIDTH except on the days when collection will occur. After collection, all receptacles must promptly be placed in their approved location. See also Section 68.19.4. and Chapter 130, entitled Zoning. **[Amended 3-4-91 by Ord. No. 1494]**

68.19.9. An owner, landowner, landlord, or an agent of an owner or landlord of a rental MULTI-FAMILY HOUSING PROPERTY with four (4) or more units or any other COMMERCIAL, MUNICIPAL or INSTITUTIONAL ESTABLISHMENT that provides housing may comply with its RECYCLING responsibilities by establishing a collection system at each property. The plan must include those RECYCLABLE MATERIALS designated in the TOWNSHIP'S residential RECYCLING program. The collection system must include suitable containers for collection and sorting the RECYCLABLE 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 owner or landlords who comply with this Ordinance shall not be liable for non-compliance of OCCUPANTS of their buildings.

68.19.10. If RECYCLABLE MATERIALS are collected by a collector other than the TOWNSHIP or its authorized CONTRACTOR, owners, landlords and agents of owners or landlords shall submit an annual report (due not later than January 20) to the TOWNSHIP reporting the tonnage of materials recycled during the previous year.

68.19.11. All PERSONS must separate LEAF WASTE from other COMMERCIAL WASTE generated at their establishments for collection unless those PERSONS have otherwise provided for composting of LEAF WASTE.

68.19.12. Any COMMERCIAL, MUNICIPAL or INSTITUTIONAL ESTABLISHMENT may donate or sell RECYCLABLE MATERIALS to any PERSON, firm or corporation, whether operating for profit or not, provided that the receiving PERSON, firm or corporation shall not collect such donated RECYCLABLE MATERIALS from the collection point of a RESIDENCE or COMMERCIAL, MUNICIPAL or INSTITUTIONAL ESTABLISHMENT without prior written permission from the TOWNSHIP MANAGER.

§68.20. Violations and Penalties.

68.20.1. Disposal by PERSONS of RECYCLABLE MATERIALS with WASTES is prohibited and shall be a violation of this Chapter. The collected RECYCLABLE MATERIALS shall be taken to a RECYCLING facility. Disposal by collectors or operators of RECYCLING facilities of SOURCE SEPARATED RECYCLABLE MATERIALS in landfills or to be burned in incinerators is prohibited. **[Amended 3-4-91 by Ord. No. 1494]**

68.20.2. Disposal by PERSONS of LEAD ACID BATTERIES with other COMMERCIAL WASTE is prohibited and shall be in violation of this Chapter.

68.20.3. Any owner of a COMMERCIAL, MUNICIPAL or INSTITUTIONAL ESTABLISHMENT who shall violate any of the provisions of Section 68.19. hereof shall be subject to the provisions of Chapter 5 of the TOWNSHIP CODE, entitled Enforcement of Ordinances; Penalties.

68.20.4. Any COMMERCIAL HAULER who shall violate any of the provisions of this Article shall be subject to Chapter 5 of the TOWNSHIP CODE, entitled Enforcement of Ordinances; Penalties, and in addition, may forfeit the license and the privileges that it confers at the discretion of the TOWNSHIP MANAGER.

68.20.5. Each and every day that a COMMERCIAL HAULER conducts business in violation of the terms of the Article shall constitute a separate and distinct offense under Chapter 5 of the TOWNSHIP CODE and shall be subject to separate and distinct penalties. Likewise, each and every day that an owner of a COMMERCIAL ESTABLISHMENT violates Section 68.19 of this Article shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties.

§68.21. RULES AND REGULATIONS.

The TOWNSHIP MANAGER shall have the authority to establish reasonable regulations governing the collection of COMMERCIAL WASTE, RECYCLABLE MATERIALS and LEAF WASTE and otherwise regulating the conduct of licensees.

§68.22. Severability.

The provisions of this Article are severable, and if any word, words, parts, provisions, or sections shall be found to be illegal or unconstitutional, such illegality or unconstitutionality shall not impair any of the remaining words, parts, provisions, or sections and it is hereby declared to the intent of the BOARD OF COMMISSIONERS of the TOWNSHIP that this Article would have been enacted without such illegal or unconstitutional part.

§68.23. Repeal.

All ordinances or parts of ordinances which are inconsistent with this Chapter are hereby repealed.