

ORDINANCE 2020-03

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, CHAPTER 180, SOLID WASTE, AT ARTICLE I, RECYCLING, ARTICLE II, COLLECTION AND DISPOSAL OF SOLID WASTE, AND ARTICLE III, COLLECTION AND DISPOSAL OF YARD WASTE.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("Board") of Lower Allen Township ("Township"), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

- a. **Section 180-1, Definitions**, shall be amended by adding or amending the following definitions:

Add:

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 organized sporting events attended by 200 or more individuals per day.

Amend:

Township Licensee

A person or firm, not the Township collector, licensed by the Township to collect, haul, and/or dispose of refuse and/or collect and haul recyclables from persons not exclusively within the area of responsibility of the Township collector.

- b. **Section 180-3, Separation, and disposal of recyclable materials from residential dwellings**, shall be amended as follows:

Subsection 180-3(D) shall be deleted in its entirety and replaced with the following Subsection 180-3(D):

- D. Glass, aluminum and bimetal cans, plastic, paper, and cardboard shall be placed in the receptacle provided by the Township or hauler. No other solid waste shall be placed in the receptacle.

- c. **Section 180-5 shall be deleted in its entirety and replaced with new Section 180-5, Separation and disposal of recyclable materials by commercial, institutional, and municipal establishments and at Community Activities.**

- A. Commercial, institutional, and municipal establishments shall separate and store recyclable materials until collection. Recyclable materials for commercial, institutional, and municipal establishments are high-grade office paper, aluminum cans, glass food and beverage containers (clear and colored) and corrugated paper. These establishments shall arrange for the transfer of recyclable materials to a recycling system by a licensed collector.
- B. The Township licensee shall provide annual reports as hereinafter set forth to the Township as evidence of such arrangement and documentation of the total number of tons recycled. The application for a license to be a Township licensee shall constitute a written agreement evidenced by the signature of the applicant and the issuance of the license by the Township whereby the Township licensees specifically agrees to provide an annual report on or before the 10th day of January of each calendar year which shall state the quantities and types of waste material processed during the preceding calendar year, particularly the recyclables collected in the Township, the nature and extent of the processing, the type and quantity (weight) of source-separated recyclable materials, the place, nature and terms of marketing recyclable materials supported by actual records documenting the quantity of such marketing, i.e., the weight slips, receipts from each market verifying quantities, etc., which agreement shall provide that the Township may recognize appropriate recyclables processed by the Township licensee originating in the Township in any application for performance

grants from superior governmental agencies and specifically waiving any claim against or for any grants. If such information is regarded as confidential and the Township licensee demonstrates to the satisfaction of the Township Manager that such information is entitled to protection, such information shall not be available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this § **180-5**.

- C. At all community activities, recycled materials designated by the Township at minimum must be high-grade office paper, aluminum cans, glass food and beverage containers (clear and colored) and corrugated paper separated until collection. Sponsoring organization must arrange for the transfer of the materials to a recycling program.

d. Section 180-11, Precollection practice, shall be amended as follows:

1. Subsection 180-11(A)(1a) shall be deleted in its entirety and replaced with new Subsection 180-11(A)(1a):

All garbage and refuse shall be drained of liquids and wrapped in plastic before being deposited for collection.

2. Subsection 180-11(B)(1a) shall be deleted in its entirety and replaced with new Subsection 180-11(B)(1a):

- (a) All refuse to be regularly collected by the Township or Township collector shall be placed in containers or durable plastic bags.

3. Subsection 180-11(B)(1b) shall be deleted in its entirety and replaced with new Subsection 180-11(B)(1b):

- (b) Recyclables to be regularly collected by the Township or Township collector shall be placed in a special container for recyclables. The initial container shall be provided by the Township at no cost; a charge will be made for additional containers and replacement of containers for reasons other than defects therein.

4. Subsection 180-11(B)(1c) shall be deleted in its entirety and replaced with new Subsection 180-11(B)(1c):

- (c) Newspapers to be regularly collected by the Township or Township collector shall be tied together in bundles weighing not more than 40 pounds.

5. Subsection 180-11(B)(1e) shall be deleted in its entirety and replaced with new Subsection 180-11(B)(1e):

- (e) Persons may dispose of one (1) oversized item per week. The Township's refuse hauler must be notified in advance of any oversize item weighing more than 60 pounds.

6. Subsection 180-11(B)(1g) shall be amended by appending the following language to the Subsection:

Wheeled refuse carts may be up to 96 gallons in capacity.

e. Section 180-13 shall be re-titled: License or contract required to collect, haul and/or dispose of refuse and/or collect and haul recyclables, and shall be amended as follows:

1. Subsection 180-13(A) shall be deleted in its entirety and replaced with new Subsection 180-13(A):

It shall be unlawful for any person, other than the Township and Township collector, to collect, haul and/or dispose of refuse and/or collect and haul recyclables in the Township of Lower Allen unless a license to so collect, haul and/or dispose of such refuse and/or collect and haul of recyclables shall have been first obtained or a contract exists between the Township and the person collecting, hauling and/or disposing of refuse and/or collecting and hauling recyclables. Such license shall be issued by the Township Manager at a fee established by resolution by the Board of Commissioners and as may be amended from time to time. Each such collection in violation thereof shall constitute a separate and distinct offense punishable as hereinafter

provided.

2. Subsection 180-13(E) shall be deleted in its entirety and replaced with the following subsection 180-13(E)

No license shall be granted if the place and method of disposal, types of collection equipment or manner of collection, removal or disposal shall not conform to the requirements of this article or to the ordinance of any municipal or quasi-municipal corporation or to the laws of the Commonwealth of Pennsylvania or of the United States and the insurance coverage is not adequate. Insurance coverage should be as follows:

- (1) Workmen's compensation, including occupational disease and employer's liability insurance.
 - (a) Statutory: amounts and coverage as required by workmen's compensation laws of the commonwealth.
 - (b) Employer's liability: at least \$1,000,000 each accident.
 - (2) Public liability, including coverage for direct operations, sublet work, elevators, contractual liability and completed operations with limits not less than those stated below:
 - (a) Bodily injury liability, including personal injuries: \$1,000,000 each person, \$1,000,000 each occurrence, \$2,000,000 aggregate.
 - (b) Property damage liability: \$1,000,000 each occurrence, \$2,500,000 aggregate.
 - (c) Regarding personal injury written on a nonparticipating basis (with no participation by insured).
 - (d) Regarding property damage, including broad form property damage: remove XCU exclusions (explosion, collapse, and underground property damage).
 - (e) Regarding completed operations liability: continue coverage in force for two years after completion of work.
 - (3) Comprehensive automobile liability insurance, including coverage for owned, non-owned and hired vehicles with limits not less than those stated below:
 - (a) Bodily injury liability: \$1,000,000 each person, \$1,000,000 each occurrence, \$2,000,000 aggregate.
 - (b) Property damage liability: \$100,000 each occurrence.
 - (4) Owner's contingent liability (owner's protective).
 - (a) Personal injury: \$1,000,000 each person, \$1,000,000 each occurrence.
 - (b) Property damage: \$1,000,000 each occurrence, \$1,000,000 each aggregate.
 - (5) Excess or umbrella policy in the amount of \$1,000,000.
 - (6) Policies and insurers shall be subject to approval of the Board of Commissioners.
- f. **Section 180-20, Collection practices**, shall be deleted in its entirety and replaced with new **Section 180-20, Collection practices**:
- A. Residential buildings and small businesses. Leaf and yard waste collection shall be available to all residential buildings and small businesses within the Township of Lower Allen and may be collected by the Township collector.
 - B. Commercial, institutional, and municipal establishments. All persons who are responsible

for the operation of commercial, institutional, and municipal establishments who gather leaf and yard waste shall separate and provide for its recycling.

g. Section 180-21, Restrictions, shall be amended as follows:

1. Subsection 180-21(D) shall be deleted in its entirety and replaced with the following subsection 180-21(D)

Contractors may not collect yard waste or deliver yard waste to the Township recycling facility unless adequately insured. Insurance coverage should be as follows:

- (1) Workmen's compensation, including occupational disease and employer's liability insurance.
 - (a) Statutory: amounts and coverage as required by workmen's compensation laws of the commonwealth.
 - (b) Employer's liability: at least \$1,000,000 each accident.
- (2) Public liability, including coverage for direct operations, sublet work, elevators, contractual liability and completed operations with limits not less than those stated below:
 - (a) Bodily injury liability, including personal injuries: \$1,000,000 each person, \$1,000,000 each occurrence, \$2,000,000 aggregate.
 - (b) Property damage liability: \$1,000,000 each occurrence, \$2,500,000 aggregate.
 - (c) Regarding personal injury written on a nonparticipating basis (with no participation by insured).
 - (d) Regarding property damage, including broad form property damage: remove XCU exclusions (explosion, collapse, and underground property damage).
 - (e) Regarding completed operations liability: continue coverage in force for two years after completion of work.
- (3) Comprehensive automobile liability insurance, including coverage for owned, non-owned and hired vehicles with limits not less than those stated below:
 - (a) Bodily injury liability: \$1,000,000 each person, \$1,000,000 each occurrence, \$2,000,000 aggregate.
 - (b) Property damage liability: \$100,000 each occurrence.
- (4) Owner's contingent liability (owner's protective).
 - (a) Personal injury: \$1,000,000 each person, \$1,000,000 each occurrence.
 - (b) Property damage: \$1,000,000 each occurrence, \$1,000,000 each aggregate.
- (5) Excess or umbrella policy in the amount of \$1,000,000.
- (6) Policies and insurers shall be subject to approval of the Board of Commissioners.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

SECTION IV

This Ordinance shall take effect immediately.

Enacted and Ordained this 28th day of September 2020.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP



Heleen R. Gaudan

~~(Assistant)~~ Secretary

Dan v. Vink

~~(Vice)~~ President