

**ORDINANCE 2024-03**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN  
TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 180,  
SOLID WASTE, AND REPLACING IT WITH A NEW CHAPTER 180, SOLID WASTE**

Township of Lower Allen, PA  
Solid Waste Management Requirements

**Chapter 180. Solid Waste**

**Solid Waste Requirements**

**Definitions**

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

**ALUMINUM** - The lightweight ductile and malleable metallic substance or element commonly known as “aluminum,” and shall include all aluminum food and beverage cans. It shall exclude aluminum foil.

**AUTHORIZED HAULER** - Person registered and authorized by the Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Lower Allen Township.

**BULKY WASTE** - Materials that will not fit inside a container including furniture and appliances, including those containing freon; excludes tires or other hazardous items.

**CHRISTMAS TREES** - Any of several varieties of coniferous trees on which the trunk has been removed from the roots, or wreaths made from the branches of such trees.

**COMMERCIAL ESTABLISHMENT** - Those properties used primarily for commercial purposes including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

**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.

**DWELLING** - A building used for residential purposes, except hotels, apartments with more than six four dwelling units, tourist cabins, motels and trailers in trailer parks.

**DWELLING UNIT** - A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**GLASS** - All empty bottles and jars made of clear, green or brown glass, except non-container glass, plate glass, blue glass, porcelain and ceramic products.

**GRASS CLIPPINGS** - Cut pieces of grass after lawn maintenance and mowing. Grass clippings can be mulched as part of a lawn care program.

**HAZARDOUS WASTE** - Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or other appropriate agency to be “hazardous,” as the term is defined by or pursuant to federal or state law.

**HIGH-GRADE OFFICE PAPER** - Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationery, note paper, computer paper, envelopes, and other general purpose paper, including shredded paper.

**INSTITUTIONAL ESTABLISHMENTS** - Those facilities that house or serve groups of people, such as hospitals, schools and nursing homes.

**LEAF WASTE** - Leaves, garden residue, trimmings, prunings and branches of four inches or less from plants, shrubs and trees. Excludes grass clippings, dirt, and sod.

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

**MUNICIPAL ESTABLISHMENTS** - Any public facility operated by Township or other governmental or quasi-governmental authorities.

**OVERSIZED YARD WASTE** - Large items of yard waste, including but not limited to tree stumps and branches exceeding four inches in diameter.

**PERSON** - Any individual, partnership, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential establishment, commercial establishment or institutional establishment. In any provision of this article prescribing a fine, imprisonment or penalty or any combination thereof, a person shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PUBLIC NUISANCE** - Any premises which is capable of being conducive to a fire, health or safety hazard due to, but not limited to, accumulations of any flammable materials, refuse, recyclables, hazardous waste, or any premises which contains unauthorized accumulations of refuse and/or recyclables.

**RECYCLABLE MATERIAL** - Those materials specified by the Township to be recycled, which include the following materials: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and leaf waste.

**RECYCLE** - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal wastes (other than through combustion) and creation and recovery of reusable materials other than fuel for the operation of energy.

**RESIDENTIAL ESTABLISHMENT** - A property used for residential purposes including single-family and multi-family properties with five or fewer dwelling units.

**SMALL BUSINESS** - A business establishment that produces five or fewer forty-gallon containers of garbage, ashes and refuse, including recyclables, per week.

**SOLID WASTE** - Garbage, trash, ashes, refuse, and other discarded solid materials.

**STEEL AND BIMETAL CONTAINERS** - Food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

**TOWNSHIP** - Lower Allen Township, Cumberland County, Pennsylvania.

**TOWNSHIP COLLECTION SERVICE** - A service for the collection of leaf waste, yard waste and Christmas trees, which is provided by the Township or the Township collector.

**TOWNSHIP COLLECTOR** - A person or firm designated by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste and recyclable materials within the Township of Lower Allen but shall not be construed as meaning that such person is an employee, official or representative of the Township.

### **Establishment of program**

There is hereby established a program for the mandatory collection of solid waste within Lower Allen Township, Cumberland County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of solid waste in Lower Allen Township except in accordance with this article.

### **Preparation, placement, and collection of solid waste**

#### Residential establishments

- 1) Solid waste shall be placed in solid waste containers and the containers placed curbside or in another designated location for collection by the Township Collector.
- 2) Collection of solid waste shall be arranged by the Township with the Township Collector at a collection frequency no less than weekly.
- 3) Requirements for collection.
  - a. All solid waste must be placed in a designated solid waste cart. Solid Waste carts may be provided by the Township or Township Collector.
  - b. It shall be unlawful to permit the accumulation of or residue of liquids, solids or a combination of such material on the bottom or sides of carts, it being the intention of this provision that the interior of carts shall be kept clean by thorough rinsing and draining as often as necessary.
  - c. No persons shall place recyclable materials in carts used for the collection of solid waste and no solid waste shall be placed in recycling containers.
  - d. Carts shall be placed at the curbside, or another location as designated by the Township or Township Collector for collection. Under no circumstances shall carts be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
  - e. No carts shall be placed curbside or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection. Solid waste carts must be returned from curbside by 7:00 P.M. on collection day.
  - f. Solid waste containers placed for collection must be at least four feet from any object or obstruction including solid waste containers, mailboxes, parked vehicles, etc.
  - g. The Township or Township Collector will collect one bulky waste item per scheduled collection day. Collection of bulky waste must be scheduled at least 24 hours prior to the scheduled collection day with the Township or Township Collector.

#### Multi-family residential establishments

- 1) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a system for the collection, transportation, and disposal of solid waste generated at each building.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized hauler for the collection of solid waste.
- 3) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Solid waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the authorized hauler but shall occur no less than once a week. A more frequent collection of solid waste may be necessary

to prevent containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.

#### Commercial, institutional, and municipal establishments

- 1) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must establish a system for the collection, transportation, and disposal of solid waste generated at the property.
- 2) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must contract with an authorized hauler for the collection of solid waste.
- 3) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Solid waste collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized hauler, but shall occur no less than once a week. More frequent collection of solid waste may be necessary to prevent containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.

#### Community activities

- 1) Organizers or sponsors of community activities must establish a system for the collection, transportation, and disposal of solid waste.
- 2) Organizers or sponsors of community activities must establish a collection system that includes an appropriate number of containers at easily accessible locations to accommodate the amount of solid waste generated.
- 3) Organizers or sponsors must contract an Authorized Collector for the collection of solid waste.

#### **Special waste requirements**

- 1) Hazardous waste shall not be placed in containers or carts designated for solid waste but shall be handled and disposed of by the person generating the waste in an alternate and safe manner in accordance with all applicable federal, state and local statutes, ordinances, rules and regulations. Disposal will be at the expense of the owner or possessor thereof.
- 2) Removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Township Manager. Such material shall not be placed in carts for solid waste collection. Disposal will be at the expense of the owner or possessor thereof.
- 3) Highly flammable or explosive material shall not be placed in carts for solid waste collection but shall be disposed of as directed by the Township Manager at the expense of the owner or possessor thereof.
- 4) No abatement of fees for collection shall be allowed for the vacancy of a dwelling unit except where such vacancy has been continued for a period of not less than 90 days and where notice has been given by the owner of such dwelling unit to the Township Manager that such dwelling unit has been vacated.

#### **Prohibited acts**

- 1) Burning of solid waste - The burning of solid waste shall be prohibited at all times in the Township.

- 2) Littering/illegal dumping - It is unlawful for any person in the Township to dump or deposit solid waste or any other refuse on any private or public property or grounds in the Township.
- 3) Overfilling containers - Containers of solid waste or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
- 4) Load or operate any vehicle within the Township or transport solid waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow solid waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 5) Storing/stockpiling materials - All persons in the Township are prohibited from storing, processing, or disposing of solid waste on a property except at a facility or in preparation for the collection by the Township, Township Collector, or Authorized Hauler as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
- 6) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Commissioners pursuant to this article.
- 7) No person shall collect or remove solid waste from any place before 7:00 a.m. or after 7:00 p.m., prevailing times; provided, however, this shall not prevent the collection of solid waste on an emergency basis during other hours subject to the prior approval of the Township Manager.

### **Franchise**

The Township may enter into an agreement or agreements with a private person or persons or public agency or agencies for collection of all or part of solid waste.

### **Fees**

- 1) Dwellings and dwelling units. The fees for collection and disposal of refuse under this article from dwellings, dwelling units and small businesses may be assessed by resolution passed by the Board of Commissioners on an annual basis per dwelling unit per quarter. The owner of the dwelling unit shall pay the fees provided therein in advance. The Township may designate an agent, including any bank or trust company, to act on its behalf in the collection and accounting matters involved. Billing will be done not later than the first day of the first month of each calendar quarter. Fees shall be subject to a penalty of 10% per dwelling unit per quarter if not paid by the 30th day of the first calendar month of the quarter. All accounts shall be considered delinquent if not paid by the 30th day of the first calendar month of the quarter, and all delinquent accounts are subject to stoppage of service without notice. Upon stoppage, service will be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of noncollection, plus the 10% penalty as aforesaid and interest. The stoppage of service herein provided for shall be in addition to the right of the Township to proceed for the collection of such unpaid charges by action in assumpsit, by municipal lien or, at the election of the Township, in any other manner provided by law for the collection of a municipal claim.
- 2) Nondwellings and nondwelling units. Fees for collection from other than dwellings and dwelling units shall be fixed by mutual agreement of the parties and shall be paid directly to the person making such collection.

### **Enforcement and administration.**

The Township Manager or their designee is authorized and directed to enforce this article. The Township Manager shall have authority to make rules and regulations relating to the administration of the provisions of this article, in addition to any other powers herein conferred upon them, provided that such rules and regulations are not contrary to the provisions of this article. An

aggrieved person shall have the right to appeal against any rule or regulation made by the Township Manager to the Board of Commissioners that may confirm, modify or revoke any such rule or regulations.

### **Violations and penalties**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings, Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Cumberland County.

### **Repealer**

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.

### **Severability**

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.

### **Other**

This Ordinance shall take effect immediately.

Township of Lower Allen, PA  
Solid Waste Management Requirements

**Chapter 180. Solid Waste**

**Requirements for Recycling and Leaf Waste**

**Definitions**

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

**ALUMINUM** - The lightweight ductile and malleable metallic substance or element commonly known as “aluminum,” and shall include all aluminum food and beverage cans. It shall exclude aluminum foil.

**AUTHORIZED HAULER** - Person registered and authorized by the Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Lower Allen Township.

**CHRISTMAS TREES** - Any of several varieties of coniferous trees on which the trunk has been removed from the roots, or wreaths made from the branches of such trees.

**COMMERCIAL ESTABLISHMENT** - Those properties used primarily for commercial purposes including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

**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.

**DWELLING** - A building used for residential purposes, except hotels, apartments with more than six dwelling units, tourist cabins, motels and trailers in trailer parks.

**DWELLING UNIT** - A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**GLASS** - All empty bottles and jars made of clear, green or brown glass, except non-container glass, plate glass, blue glass, porcelain and ceramic products.

**GRASS CLIPPINGS** - Cut pieces of grass after lawn maintenance and mowing. Grass clippings can be mulched as part of a lawn care program.

**HIGH-GRADE OFFICE PAPER** - Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationary, note paper, computer paper, envelopes, and other general-purpose paper, including shredded paper.

**INSTITUTIONAL ESTABLISHMENTS** - Those facilities that house or serve groups of people, such as hospitals, schools and nursing homes.

**LEAF WASTE** - Leaves, garden residue, trimmings, prunings and branches of four inches or less from plants, shrubs and trees. Excludes grass clippings, dirt, and sod.

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

**MUNICIPAL ESTABLISHMENTS** - Any public facility operated by Township or other governmental or quasi-governmental authorities.

**NEWSPRINT** - Paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts included with newspapers.

**PERSON** - Any individual, partnership, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential establishment, commercial establishment or institutional establishment. In any provision of this article prescribing a fine, imprisonment or penalty or any combination thereof, a person shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PLASTICS** - A class of synthetic organic compounds capable of being bolded, extruded, cast or otherwise fabricated into various shapes. It shall include all rigid plastic containers of resins #1 through #7.

**PUBLIC NUISANCE** - Any premises which is capable of being conducive to a fire, health or safety hazard due to, but not limited to, accumulations of any flammable materials, refuse, recyclables, hazardous waste, or any premises which contains unauthorized accumulations of refuse and/or recyclables.

**RECYCLABLE MATERIAL** - Those materials specified by the Township to be recycled, which include the following: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and leaf waste.

**RECYCLE** - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal wastes (other than through combustion) and creation and recovery of reusable materials other than fuel for the operation of energy.

**RESIDENTIAL ESTABLISHMENT** - A property used for residential purposes including single-family and multi-family properties with five or fewer dwelling units.

**SOLID WASTE** - Garbage, trash, ashes, refuse, and other discarded solid materials.

**STEEL AND BIMETAL CONTAINERS** - Food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

**TOWNSHIP** - Lower Allen Township, Cumberland County, Pennsylvania.

**TOWNSHIP COLLECTOR** - A person or firm designated by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste and recyclable materials within the Township of Lower Allen but shall not be construed as meaning that such person is an employee, official or representative of the Township.

### **Establishment of program**

There is hereby established in the township a mandatory source-separation and collection program for recyclable materials and leaf waste from solid waste by persons in a residential establishment, multi-family establishment, commercial establishment, and institutional establishment in the Township and at community events.

### **Separation, preparation, placement, and collection of recyclable materials**

#### **Residential establishments**

- 1) Except as otherwise provided herein, all persons owning or occupying residential establishments shall separate recyclable materials generated in their single-family residential establishment from solid waste. Recyclable materials shall be placed in recycling containers and the recycling containers placed curbside or in another designated location for collection by the township collector.



- 2) Separate collection of recyclable materials shall be arranged by the township with the township collector at a collection frequency no less than two times per month.
- 3) Requirements for collection.
  - a. All recyclable materials must be placed in a recycling container separate from municipal waste. Recycling containers may be provided by the township or township collector.
  - b. No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in recycling containers.
  - c. Containers shall be placed at the curbside, or another location as designated by the township collector for collection. Under no circumstances shall containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
  - d. No container shall be placed at the curb or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection. Recycling containers must be returned from curbside by 7:00 P.M. on collection day.
  - e. Recycling containers placed for collection must be at least four feet from any object or obstruction including solid waste containers, mailboxes, parked vehicles, etc.
  - f. Recyclable materials must be clean and dry and prepared according to the requirements of the township or township collector.
  - g. Recycling containers shall be kept in a sanitary and working condition. Any container deemed unsanitary or unsafe or hampers the prompt collection of recyclable materials or leaf waste must be immediately replaced upon notice from the Township, Township Collector, and Authorized Hauler.
- 4) The Township must implement and maintain a comprehensive education program that includes written instructions for the residents or occupants of residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. Education must occur 30 days prior to the start of the recycling program and must be completed at least every six (6) months.

#### Multi-family residential establishments

- 1) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a system for source-separation, collection, transportation, and recycling of the recyclable materials generated at multi-family residential establishments. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each multi-family residential establishment. The Township reserves the right to require additional recycling containers for recyclable materials if the Township deems there are insufficient recycling containers to serve residents.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must implement and maintain a comprehensive education program that includes written instructions for the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. Education must occur 30 days prior to the start of the recycling program and must be completed at least every six (6) months.
- 3) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized hauler for the separate collection of recyclable materials.

- 4) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.
- 5) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the authorized hauler but shall occur no less than once a week. A more frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 6) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.
- 7) Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of residents.
- 8) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments may be exempt from the requirements of this article if the following are true:
  - a. The person(s) has otherwise provided for the recycling of materials as required in this article and ordinance.
  - b. The person(s) provides annual written documentation to the Township of the amount of solid waste generated and the type and weight of materials that were recycled in the previous calendar year.

#### Commercial, institutional, and municipal establishments

- 1) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must establish a system for source-separation, collection, transportation, and recycling of recyclable materials generated at each building. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. The Township reserves the right to require additional recycling containers for recyclable materials if the Township deems there are insufficient containers to serve occupants or tenants.
- 2) Owners, landlords, or agents of owners or landlords of commercial, institutional and municipal establishments must implement and maintain a comprehensive education program that includes written instructions for the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. Education must occur 30 days prior to the start of the recycling program and must be completed at least every six (6) months.
- 3) At a minimum, the following materials must be separated from solid waste, collected separately, and recycled: high-grade office paper, aluminum, corrugated paper, and leaf waste.
- 4) Owners, landlords, or agents of owners or landlords of commercial, institutional, and municipal establishments must contract with an authorized hauler for the separate collection of recyclable materials.
- 5) No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designated for the collection of recyclable materials.

- 6) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized hauler, but shall occur no less than once a week. A more frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 7) The owner, landlord, or agent of an owner or landlord of a commercial, institutional, and/or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted quarterly, 30 days after the close of each calendar quarter.
- 8) Municipal establishments shall give preference to purchasing supplies/products with a minimum of 30 percent post-consumer recyclable content. Purchases of materials for municipal use shall not contain polystyrene unless no comparable alternative is available.
- 9) Commercial and institutional establishments are encouraged to procure products/supplies in packaging that can be recycled in the Township's recycling program. The Township discourages the use of single-use plastics for packaging when a comparable alternative is available.
- 10) The owner, landlord, or agent of an owner or landlord of commercial, institutional, and municipal establishments may be exempt from the requirements of this article if the following are true:
  - a. The person(s) has otherwise provided for the recycling of materials as required in this article and ordinance.
  - b. The person(s) provides annual written documentation to the Township of the amount of solid waste generated and the type and weight of materials that were recycled in the previous calendar year.

#### Community activities

- 1) The organizers or sponsors of a community activity must establish a system for source-separation, collection, transportation, and recycling of recyclable materials.
- 2) At a minimum, the following materials must be separated, collected separately, and recycled: high-grade office paper, aluminum, corrugated paper, and leaf waste. Arrangements for the source-separation and collection of these materials shall be the responsibility of the organizers or sponsors.
- 3) The organizers or sponsors of a community activity must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the quantity of recyclable materials generated. Community activity organizers and sponsors must provide signage and/or labels on recycling containers to indicate what recyclable materials are to be source-separated by event participants.
- 4) Organizers or sponsors must contract an authorized hauler for the collection of recyclable materials.
- 5) Organizers or sponsors should encourage all vendors to distribute recyclable containers and/or packaging for food and beverages. Single use plastics should be discouraged by vendors whenever possible.
- 6) Organizers or sponsors of a community activity must provide a written report to the Township that lists the name of the community activity, authorized hauler collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted to the Township no later than 30 days upon the conclusion of the event.

## Leaf waste

- 1) It is prohibited and will be deemed a violation hereof for any person in the Township to put or cause to put leaf waste with solid waste. Leaf waste shall be source-separated from solid waste generated on any property and stored in recycling containers until collection.
- 2) Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
- 3) All persons in residential establishments in the Township shall participate in the curbside leaf waste collection program provided by the Township Collector or transport their leaf waste to the Township's compost site.
- 4) Owners, landlords, or agents of owners or landlords of multi-family residential, commercial, municipal, and institutional establishments must establish a system for source-separation, collection, transportation, and recycling of leaf waste generated at each property. The system must include an appropriate number of labeled containers at easily accessible locations to accommodate the amount of leaf waste generated at each property.
- 5) The owner, landlord, or agent of an owner or landlord of a multi-family residential, commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized hauler collecting leaf waste, the total quantity of leaf waste collected, the name of the facility authorized by the State to receive collected leaf waste, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 60 days after the close of each calendar year.
- 6) Leaf waste must be prepared according to the specifications of the Township, Township Collector, or Authorized Hauler for curbside collection or drop-off at the compost site. Materials must be free of contamination. No container of leaf waste may exceed 45 pounds.
- 7) Christmas trees may be placed curbside or brought to the compost site at designated times by the Township and must be free of all contaminants. Christmas trees must not be placed in plastic bags.
- 8) Leaves may be piled adjacent to streets and roads for curbside collection by the Township or Township Collector at designated times by the Township; leaves must not be bagged. Leaves may also be transported to the Township compost site for processing.
- 9) Grass clippings and sod are not considered leaf waste and must not be comingled with leaf waste. Grass clippings may be mulched as part of a lawn care program.
- 10) Leaf waste must be disposed at a State permitted compost facility. Disposal of leaf waste at a landfill or other disposal facility or dumped on public or private lands is prohibited.

## Prohibited acts

- 1) Collection by unauthorized persons - From the time of recyclable material placement at the curb or other designated location, it shall be a violation of this article for any person unauthorized by the Township, Township Collector, or Authorized Hauler to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
- 2) Burning of recyclable materials and leaf waste - The burning of recyclable materials and leaf waste shall be prohibited at all times in the Township.
- 3) Littering/illegal dumping - It is unlawful for any person in the Township to dump or deposit recyclable materials, leaf waste, solid waste, or any other refuse on any private or public property or grounds in the Township.
- 4) Overfilling containers - Containers of recyclable materials, leaf waste, solid waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.

- 5) Load or operate any vehicle within the Township or transport solid waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow solid waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 6) Storing/stockpiling materials - All persons in the Township are prohibited from storing, processing, or disposing of recyclable material on a property except at a facility or in preparation for the collection by the Township, Township Collector, or Authorized Hauler as provided herein. Notwithstanding the foregoing, leaf waste may be composted onsite.
- 7) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Commissioners pursuant to this article.
- 8) No person shall dump, bring, deposit, or otherwise dispose of recyclable materials or leaf waste of any kind or nature within the jurisdictional limits of the Township, except as provided in conformance herein.

### **Impairment of Ownership**

Nothing herein shall be deemed to impair the ownership of recyclable materials by the persons who generated them unless and until such materials are placed at the curb or similar location for collection by the Township, Township Collector, and/or Authorized Collector.

### **Franchise**

The Township may enter into an agreement or agreements with a private person or persons or public agency or agencies for collection of all or part of recyclable materials and leaf waste.

### **Enforcement and administration**

The Township Manager or their designee is authorized and directed to enforce this article. The Township Manager shall have authority to make rules and regulations relating to the administration of the provisions of this article, in addition to any other powers herein conferred upon them, provided that such rules and regulations are not contrary to the provisions of this article. An aggrieved person shall have the right to appeal against any rule or regulation made by the Township Manager to the Board of Commissioners that may confirm, modify or revoke any such rule or regulations.

### **Violations and penalties**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings, Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Cumberland County.

### **Repealer**

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.

**Severability**

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.

**Other**

This Ordinance shall take effect immediately.

Township of Lower Allen, PA  
Solid Waste Management Requirements

**Chapter 180. Solid Waste**

**Requirements for collection**

**Definitions**

For the purpose of this article, the following terms, phrases or words shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

**ACT 101** - The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

**ALUMINUM** - The lightweight ductile and malleable metallic substance or element commonly known as “aluminum,” and shall include all aluminum food and beverage cans. It shall exclude aluminum foil.

**AUTHORIZED HAULER** - Person registered and authorized by the Township to collect, remove, transport, and dispose of solid waste, recyclable materials, and/or leaf waste for owners or occupants of multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Lower Allen Township.

**CHRISTMAS TREES** - Any of several varieties of coniferous trees on which the trunk has been removed from the roots, or wreaths made from the branches of such trees.

**COMMERCIAL ESTABLISHMENT** - Those properties used primarily for commercial purposes including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

**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.

**DWELLING** - A building used for residential purposes, except hotels, apartments with more than six dwelling units, tourist cabins, motels and trailers in trailer parks.

**DWELLING UNIT** - A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**GLASS** - All empty bottles and jars made of clear, green or brown glass, except non-container glass, plate glass, blue glass, porcelain and ceramic products.

**GRASS CLIPPINGS** - Cut pieces of grass after lawn maintenance and mowing. Grass clippings can be mulched as part of a lawn care program.

**HIGH-GRADE OFFICE PAPER** - Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationery, note paper, computer paper, envelopes, and other general-purpose paper, including shredded paper.

**INSTITUTIONAL ESTABLISHMENTS** - Those facilities that house or serve groups of people, such as hospitals, schools and nursing homes.

**LEAF WASTE** - Leaves, garden residue, trimmings, prunings and branches of four inches or less from plants, shrubs and trees. Excludes grass clippings, dirt, and sod.

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

**MUNICIPAL ESTABLISHMENTS** - Any public facility operated by Township or other governmental or quasi-governmental authorities.

**NEWSPRINT** - Paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts included with newspapers.

**PERSON** - Any individual, partnership, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential establishment, commercial establishment or institutional establishment. In any provision of this article prescribing a fine, imprisonment or penalty or any combination thereof, a person shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PLASTICS** - A class of synthetic organic compounds capable of being bolded, extruded, cast or otherwise fabricated into various shapes. It shall include all rigid plastic containers of resins #1 through #7.

**PUBLIC NUISANCE** - Any premises which is capable of being conducive to a fire, health or safety hazard due to, but not limited to, accumulations of any flammable materials, refuse, recyclables, hazardous waste, or any premises which contains unauthorized accumulations of refuse and/or recyclables.

**RECYCLABLE MATERIAL** - Those materials specified by the Township to be recycled, which include the following: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and leaf waste.

**RECYCLE** - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste, or the mechanized separation and treatment of municipal wastes (other than through combustion) and creation and recovery of reusable materials other than fuel for the operation of energy.

**RESIDENTIAL ESTABLISHMENT** - A property used for residential purposes including single-family and multi-family properties with five or fewer dwelling units.

**SOLID WASTE** - Garbage, trash, ashes, refuse, and other discarded solid materials.

**STEEL AND BIMETAL CONTAINERS** - Food or beverage containers consisting of ferrous sides and bottom and an aluminum top.

**TOWNSHIP** - Lower Allen Township, Cumberland County, Pennsylvania.

**TOWNSHIP COLLECTOR** - A person or firm designated by the Township by means of an independent contract to have the right and privilege, subject to certain limitations, to collect, haul and/or dispose of solid waste, recyclable materials, and/or leaf waste within the Township of Lower Allen, but shall not be construed as meaning that such person is an employee, official or representative of the Township.

### **Hauler registration required**

It shall be unlawful for any person to collect, remove and/or transport solid waste, recyclable materials, and/or leaf waste within Lower Allen Township without first registering with the Lower Allen Township Manager. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Township and transport leaf waste generated from their services off the property where the materials were generated. Exceptions are made for residents who directly deliver (self-haul) their solid waste, recyclable materials and/or leaf waste to a disposal and/or management facility.

### **Hauler registration and approval requirements**

All persons wishing to collect, remove, and/or transport solid waste, recyclable materials, and/or leaf waste within the Township must annually register and receive authorization from the Township Manager to provide collection, removal, and transportation services to residential,



multi-family residential, commercial, institutional, and municipal establishments. Authorized haulers may collect, remove or transport solid waste, recyclable materials, and/or leaf waste within the Township from the date of authorization until December 31 of the same calendar year, only so long as the authorized hauler is in full compliance with the requirements of this article, and any regulations enacted pursuant thereto. Authorized haulers must renew their registration with the Township no later than January 31 of each year in order to continue collecting, removing, and/or transporting solid waste, recyclable materials, and/or leaf waste in the Township for the subsequent year. Any person whose registration is received and approved by the Township Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of Lower Allen Township. Hauler authorizations are not transferable.

At the time of registration, the person shall provide the following information on a form prepared by the Township. Upon receipt and review of the following information, the Township will issue an authorization letter to persons who have satisfied all the requirements of the Township's registration program.

- 1) The business name of the person, name of a contact person, business address, telephone number, email address, and twenty-four-hour emergency telephone number to receive calls from persons in the Township who will be serviced by the person.
- 2) The make, model, year, and registration number of each truck or vehicle used by the person in the Township to collect, remove, and/or transport solid waste, recyclable materials, and/or leaf waste.
- 3) A certificate of the person's workmen's compensation insurance, as required by law.
- 4) A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and person's 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 Township by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to Lower Allen 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 10 days prior to the effective date of any such modification, alteration or cancellation.
- 5) Persons shall provide the Township with its current rate schedule, its intended areas of operation in the Township, by street, the terms of service, and the scheduled days of collection in different areas of the Township.
- 6) The name of the disposal facility where solid waste will be taken for disposal.
- 7) The processing and/or marketing facility(ies) where the recyclable materials will be taken.
- 8) The state-permitted composting site where leaf waste will be taken.
- 9) Annual reports containing the quantities of solid waste, recyclable materials, and leaf waste collected from residential, multi-family, commercial, municipal, and institutional establishments in the Township if the person collected solid waste, recyclable materials, and leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type. Reports must be submitted to the Township by January 31<sup>st</sup> of each year.
- 10) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.

## **Conditions of registration approval**

As a condition to the approval of an authorized hauler's registration, the authorized hauler shall comply with the following:

- 1) Services Required - Provide separate collection, removal, and transportation services for solid waste, recyclable materials, and leaf waste from persons in the Township with whom the authorized hauler provides services.
- 2) Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection, removal, and transportation of solid waste, recyclable material, and/or leaf waste shall be of the closed metal-body-type. The equipment and vehicles shall be at all times in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquids or fluids.
- 3) Establish Preparation Procedures. Authorized haulers must establish procedures for the separation, storage, and collection of solid waste, recyclable materials, and leaf waste. The Township and persons serviced must be given adequate notification of these instructions.
- 4) Notification of Violations. Authorized haulers shall notify persons they service if violations to any article of the Lower Allen Township solid waste ordinance are observed. Notifications shall be on a form provided by the Township. Authorized haulers shall provide the Township with a list of the addresses or names of customers receiving a notification at the end of each collection day.
- 5) Authorization to provide services. At all times while in the process of collecting, removing, and/or transporting solid waste, recyclable materials, and/or leaf waste in the Township, a copy of the current, unexpired authorized hauler's registration and approval issued by the Township shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Township Code Enforcement Officer or his/her designee or to any police officer of the Township.

## **Refusal to grant registration approval; suspension; revocation**

- 1) The Township Manager shall have the right to refuse to approve or authorize a registration to any authorized hauler or person or to revoke or suspend previously approved registration or refuse to renew the same if said person or authorized hauler submits incomplete or false information to the Township or fails to comply with the Township's hauler registration requirements, any provision of this ordinance or any regulation adopted hereunder, Act 101, or any other applicable federal, state, or local regulations.
- 2) Refusal to grant registration authorization or suspension or revocation of an authorized hauler's registration shall be made in writing by the Township Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration and provide a limited opportunity for the hauler to satisfy the requirements or issues identified.

## **Prohibited acts**

It shall be unlawful and a violation of this article for any authorized hauler or township collector to:

- 1) Collect or transport solid waste from persons failing to source-separate recyclable materials and leaf waste from solid waste.
- 2) Commingle or mix source-separated recyclable materials or leaf waste collected in the Township with solid waste.

- 3) Fail to provide for the proper disposal of any solid waste collected or transported within the Township at a disposal facility in accordance with any federal, state, county, or local requirement.
- 4) Fail to recycle recyclable materials and leaf waste in accordance with this article and other Township ordinances and federal and state laws and regulations.
- 5) Commence the collection of solid waste, recyclable materials, and leaf waste for any property in the Township prior to 7:00 a.m. or after 7:00 p.m.
- 6) Load or operate any vehicle within the Township or transport solid waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow solid waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 7) Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.
- 8) Otherwise create a public nuisance.

### **Rules for collection**

The collection of solid waste, recyclable materials, and/or leaf waste by authorized haulers and township collectors shall be made in compliance with this ordinance or any other regulations adopted by the Board of Commissioners to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Commissioners and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Commissioners.

### **Franchise**

The Township or its designated agent may enter into one or more agreements at any time with a Township Collector for the collection of solid waste, recyclable materials, and/or leaf waste from residential, multi-family residential, commercial, institutional, and/or municipal establishments. Procuring collection services by a Township Collector shall be completed using a public bid process that will permit the Township Collector(s) to exclusively collect all or part of the solid waste, recyclable materials, and/or leaf waste generated in the Township.

### **Enforcement and administration.**

The Township Manager or their designee is authorized and directed to enforce this article. The Township Manager shall have authority to make rules and regulations relating to the administration of the provisions of this article, in addition to any other powers herein conferred upon them, provided that such rules and regulations are not contrary to the provisions of this article. An aggrieved person shall have the right of appeal against any rule or regulation made by the Township Manager to the Board of Commissioners that may confirm, modify or revoke any such rule or regulations.

### **Violations and penalties**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings, Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Cumberland County.

**Repealer**

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.

**Severability**

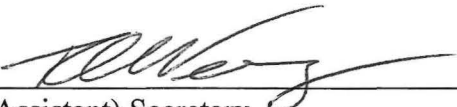
The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would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

**Other**

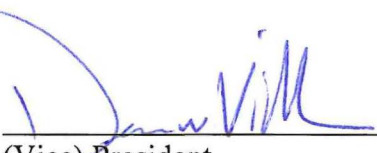
This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this 23<sup>d</sup> day of DECEMBER, 2024.

Attest:  
(Corporate Seal)

  
(Assistant) Secretary

BOARD OF COMMISSIONERS  
LOWER ALLEN TOWNSHIP

  
(Vice) President