

UPPER YODER TOWNSHIP
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 234

ORDINANCE AMENDING THE UPPER YODER TOWNSHIP RECYCLING ORDINANCE
REGARDING ENFORCEMENT AND ADMINISTRATION

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

FIRST: That Section X.B. of the Upper Yoder Township Recycling Ordinance, being Ordinance No. 223, adopted on August 1, 1991, shall read as follows:

"Section X. ENFORCEMENT AND ADMINISTRATION.

B.1. The Board of Supervisors shall be empowered to assess annually, by Resolution, fees for the collection and disposal of recyclable materials. The fee shall be due and payable by owners of record of the residences within the Township.

3. In the event a new residence is erected within the Township after 60 days from the passage of the Resolution establishing recycling collection fees, the collection fee shall be paid by the owners of record of the residence within 60 days of its occupancy. However, the fee shall be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.

4. In the event a new occupant occupies an existing residence after 60 days from the passage of the Resolution establishing recycling collection fees and the fees remain unpaid, the collection fee shall be paid by the record owners of the residence within 60 days of its occupancy. However, the fee shall not be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.

SECOND: All other Sections of the said Upper Yoder Township Recycling Ordinance are hereby reaffirmed and reenacted.

ORDAINED AND ENACTED this 18th day of November, 1993.

TOWNSHIP OF UPPER YODER

By

Robert J. Christ

Ed Daryoski

Richard E. Orr

Rev. Shaffer

ATTEST:

Mary Kay Maher
Secretary

UPPER YODER TOWNSHIP
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 234

ORDINANCE AMENDING THE UPPER YODER TOWNSHIP RECYCLING ORDINANCE
REGARDING ENFORCEMENT AND ADMINISTRATION

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

FIRST: That Section X.B. of the Upper Yoder Township Recycling Ordinance, being Ordinance No. 223, adopted on August 1, 1991, shall read as follows:

"Section X. ENFORCEMENT AND ADMINISTRATION.

B.1. The Board of Supervisors shall be empowered to assess annually, by Resolution, fees for the collection and disposal of recyclable materials. The fee shall be due and payable by owners of record of the residences within the Township.

3. In the event a new residence is erected within the Township after 60 days from the passage of the Resolution establishing recycling collection fees, the collection fee shall be paid by the owners of record of the residence within 60 days of its occupancy. However, the fee shall be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.

4. In the event a new occupant occupies an existing residence after 60 days from the passage of the Resolution establishing recycling collection fees and the fees remain unpaid, the collection fee shall be paid by the record owners of the residence within 60 days of its occupancy. However, the fee shall not be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.

SECOND: All other Sections of the said Upper Yoder Township Recycling Ordinance are hereby reaffirmed and reenacted.

ORDAINED AND ENACTED this 18th day of November, 1993.

TOWNSHIP OF UPPER YODER

By

Ed Daryoski
Richard E. Orr
Rev. Shaffer

ATTEST:

Mary Kay Maher
Secretary

TOWNSHIP OF UPPER YODER
CAMBRIA COUNTY
PENNSYLVANIA

See Amendment

ORDINANCE NO. 223

AN ORDINANCE PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING
COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS, AND
IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and

WHEREAS, the reduction of the amount of municipal waste and conservation of recyclable materials has become an important public concern due to the growing problem of municipal waste disposal and its impact on the environment; and

WHEREAS, the collection of recyclable materials for recycling from residences and from commercial, municipal and institutional establishments in the Municipality will serve the general public interest by reducing the volume of municipal waste which must be disposed and by conserving our natural resources;

The Board of Supervisors of the Township of Upper Yoder hereby ordains as follows:

SECTION I. TITLE

The short title of this Ordinance shall be the "Township of Upper Yoder Recycling Ordinance", and the same may be cited in that manner.

SECTION II. DEFINITIONS

The following words and phrases used throughout this Ordinance shall have the following meanings:

Act 101 shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Aluminum shall mean all empty aluminum beverage or food cans.

Bi-metal containers shall mean empty food or beverage containers consisting of steel and aluminum, and cans commonly referred to as "tin" cans.

Collector shall mean the entity or entities authorized by the Township of Upper Yoder to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Township to collect recyclable materials from those properties.

Commercial Establishments shall mean those properties used primarily for commercial or industrial purposes.

Commonwealth Agency shall mean the Commonwealth and its departments, boards, commissions and agencies, Commonwealth-owned universities, and the State Public School Building Authority, the State Highway and Bridge Authority, and any other authority now in existence or hereafter created or organized by the Commonwealth.

Community Activities are 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.

Corrugated Paper shall mean structural paper materials with an inner core shaped in rigid parallel furrows and ridges.

Ferrous Containers shall mean empty steel or tin coated food or beverage containers.

Glass Containers shall mean bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, automotive glass, incandescent and fluorescent light bulbs, blue glass and porcelain and ceramic products.

High Grade Office Paper shall mean all white paper, bond paper, computer paper, folders, envelopes, colored paper, carbonless forms, calculator tape, message pads, post-it notes and tablet paper. Expressly excluded are telefacsimile paper, waxed corrugated cardboard, carbon paper, food wrappers, coffee filters, papers cups, milk cartons, waxed paper, candy bar wrappers, padded shipping envelopes, kleenex and paper towels, tablet binding, kraft paper, newspaper, high gloss paper, magazines, or poly-coated paper.

Institutional Establishments shall mean those facilities that house or serve groups of people, including but not limited to hospitals, nursing homes, orphanages, day care centers, schools and universities.

Lead Acid Batteries shall include but not be limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste shall mean leaves from trees, bushes and other plants, garden

residues, chipped shrubbery and chipped tree trimmings, but not including grass clippings.

Local Public Agency shall mean:

1. Counties, cities, boroughs, towns, townships, school districts now in existence or hereafter created or organized by the Commonwealth.
2. All municipal or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or any combination thereof;
3. Any and all other public bodies, authorities, councils of government, officers, agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.

Magazines and Periodicals shall mean printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

Multi-Family Housing Properties shall mean any properties having more than four (4) dwelling units per structure.

Municipal Establishments, in addition to Commonwealth agencies and local public agencies, shall mean public facilities operated by the Municipality and other governmental and quasi-governmental authorities.

Municipal Waste shall mean any garbage, refuse, industrial lunchroom or other material, 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, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

Newspapers shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, colored comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with newspapers.

Person(s) shall mean owners, lessees and occupants of residences and commercial, municipal and institutional establishments or any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal

Government or agency, State institution or agency (including but not limited to the Department of General Services and the State Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plastic Bags shall mean any container used for carrying, storing or disposing of groceries, wearing apparel, other retail/wholesale purchased items and yard waste.

Plastic Containers (PET) shall mean containers used for soft drinks.

Plastic Containers (HDPE) shall mean containers used for milk, clothes and dish washing soaps and other cleaning products.

Recyclable Materials shall mean materials generated by residences and commercial, municipal and institutional establishments which are specified by the Township and 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, and any other items selected by the Township or specified in future revisions to Act 101. The recyclable materials selected by the Township may be revised from time to time as deemed necessary by the Township.

Recycling shall mean the collection, separation, recovery and sale or use of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery or reusable materials.

Recycling Regulations shall mean rules and regulations promulgated by the Board of Supervisors or its Secretary or Manager pursuant to this Ordinance.

Residences shall mean any occupied single or multi-family dwellings for which the Township provides municipal waste collection service.

Secretary or Manager shall mean the Secretary or Manager or Assistant Secretary or Assistant Manager of the Township of Upper Yoder.

Source Separated Recyclable Materials shall mean those materials separated at the point of origin for the purpose of being recycled.

Super Mix Paper shall mean an unseparated mix of all recyclable grades and types of paper items used in offices for which one unit price is offered by a recycling broker or market.

Township shall mean Township of Upper Yoder, County of Cambria and Commonwealth of Pennsylvania.

Waste shall mean a 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.

SECTION III. ESTABLISHMENT OF PROGRAM/GRANT OF POWER

The Township hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Township for which waste collection is provided by the Township or any other collector. Collection of the recyclable materials shall be made at least once per month by the Township, its designated agent, or any other solid waste collectors operating in the Township and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The Recycling Program shall also contain a sustained public information and education program.

Specific program regulations are provided as an attachment to this Ordinance. The Township Board of Supervisors is empowered to make changes to program regulations as it deems necessary, and as described in Section X. Subsequent changes in the program regulations may be made through approval of Township Board of Supervisors and public notice and notification of all affected parties.

This Ordinance is ordained pursuant to and in compliance with all provisions set forth in the Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69, as amended July 10, 1947, P.L. 1481, No. 567), as amended.

SECTION IV. LEAD ACID BATTERIES

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this Ordinance.

SECTION V. SEPARATION AND COLLECTION

- A. All persons who are residents of the Township shall separate all of those recyclable materials designated by the Township from all other municipal waste produced at their homes, apartments and other residential establishments, shall store such materials for collection, and shall place the same for collection in accordance with the guidelines established hereunder.

1. Persons in residences shall separate recyclable materials from all other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Township for collection. 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 cost of \$10.00 per container. 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 Ordinance.

The Township may issue one additional container for recyclable materials without charge to residences whose single family unit is six or more persons upon request by the resident.

2. An owner, landlord, manager or agent of an owner, landlord or manager of a multi-family housing property with more than four (4) units, not serviced by the Township program, may comply with its recycling responsibilities by establishing a collection system at each property. The collection system shall include suitable containers for collecting 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, managers and agents of owners, landlords or managers who comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings.

B. All persons shall separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

C. Persons shall separate high grade office paper, aluminum, corrugated paper, leaf waste, clear, green and brown glass and such other materials as may be designated by the Township which are generated at commercial, municipal and institutional establishments and from community activities. The recyclable materials shall be stored until collection. A person may be exempted from this paragraph by:

1. Providing for the recycling of high grade office paper, aluminum corrugated paper, leaf waste, clear, green and brown glass and other materials deemed appropriate by

the Township.

2. Submitting, at a minimum, an annual recycling report to the Township or its Secretary/Manager. The report shall document the amount of municipal waste generated per year as well as the type and weight of materials that were recycled in the previous calendar year. Valid documentation shall include information from an end-use, recycler, or waste hauler which describes the type and weight of each recyclable material that was collected and marketed. Documentation may be in the form of one of the following: (a) copies of weight receipts or statements which consolidate such information; (b) a report from the provider of recycling collection services which identifies the amount of each material collected and marketed. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its source-separated materials; or (c) a report from the provider of waste collection services that identifies the type and weight of each recyclable material collected and marketed. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. For (b) and (c) where recyclables from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of materials marketed for recycling purposes can be credited to an establishment.

If recyclable materials are collected by a collector other than the Township or its authorized agent, occupants of said establishments shall submit an annual report to the Township reporting the type and weight of materials recycled during the previous calendar year. This requirement may be fulfilled by submission of a letter or form from the collector which certifies that recyclable materials are being collected from the establishment.

All employees, users (patrons), and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should describe the program's features and requirements, and should include at a minimum an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs shall be prominently displayed stating the requirements of the program.

Commercial, municipal and institutional establishments which generate more than 2,200 pounds of municipal waste per month shall also implement a waste minimization opportunity assessment which includes:

1. Waste characteristics, including source, generation rate, management techniques, and management costs. The assessment should expressly consider high-grade office paper, aluminum, corrugated paper, leaf waste, clear, green and brown glass and any other materials generated in significant quantities.
2. A description of all possible waste minimization options, including use and waste reclamation.
3. An evaluation of the economic and technical feasibility of each option and a ranking of each option.
4. An estimate of the pay back period for each feasible option.
5. A statement of which options shall be implemented, including an explanation and a timetable.
6. Identification of the individual(s) who will be responsible for implementing the plans.

The waste minimization plan should be periodically updated. Implementation of the plan should include:

1. Recycling or composting of materials, to the greatest extent feasible, either private or through a municipal recycling program.
2. Use, to the greatest extent feasible, of products and materials which are recyclable or made of postconsumer materials.
3. Substitution, to the greatest extent feasible, of durable and reusable products and materials for products that are not durable or reusable.
4. Appropriate education materials and signs and their efficient availability to employees or the public to encourage participating in recycling and waste reduction.

D. All recycling collection activity shall be conducted from Monday through Friday between the hours of 6:00 A.M. and 5:00 P.M. or on Saturdays between the hours of 6:00 A.M. and 5:00 P.M., unless prior approval or an exception has been granted by the Township. No collection, hauling or transporting of recyclables shall be

permitted on Sunday.

SECTION VI. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Township or its authorized collector pursuant to this Ordinance shall from time of placement at the curb, become the property of the Township or the authorized collector, except as otherwise provided by Section VIII of this Ordinance. Nothing in this Ordinance shall be deemed to impair the ownership of separate recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

SECTION VII. COLLECTION BY UNAUTHORIZED PERSONS

It shall be a violation of this Ordinance for any person, firm or corporation, other than the Township or one authorized by the Township or other entity responsible for providing for collection of recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Township or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

The unauthorized sorting and removal of recyclable and refuse materials is hereby prohibited.

SECTION VIII. EXISTING RECYCLING OPERATIONS

Any residence or 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 or other entity responsible for authorizing collection of recyclable materials to make such a collection.

SECTION IX. RECYCLING OF MATERIALS

Disposal by persons or recyclable materials with wastes is prohibited and shall be a violation of this Ordinance. The Township reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials nor to collect

municipal waste from any residence not being registered as having obtained a Township recycling container.

SECTION X. ENFORCEMENT AND ADMINISTRATION

The Board of Supervisors or its Secretary or Manager is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as deemed necessary, including but not limited to:

- A. Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
- B. Establishing fees and procedures and for the collection of recyclable materials:
 - 1. The Board of Supervisors shall be empowered to assess annually, by Resolution, fees for the collection and disposal of recyclable materials. The fee shall be due and payable by occupants of the residences within the Township.
 - 2. Payment of the fees above prescribed shall be made within 60 days from the date of adoption of the Township Resolution establishing the annual recycling collection fee.
 - 3. In the event a new residence is erected within the Township after 60 days from the passage of the Resolution establishing recycling collection fees, the collection fee shall be paid by the occupants of the residence within 60 days of their occupancy. However, the fee shall be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.
 - 4. In the event a new occupant occupies an existing residence after 60 days from the passage of the Resolution establishing recycling collection fees, the collection fee shall be paid by the new occupant of the residence within 60 days of their occupancy. However, the fee shall be pro-rated to the number of months remaining in the year for which the annual assessment for recycling collection was established.
 - 5. The collection fee is not refundable in whole or in part.
 - 6. Any payment for collection and disposal of recyclable

materials not made within the time required as set forth above shall be delinquent and shall constitute a violation of this Ordinance for which, in addition to the delinquent fee, any person or partnership or corporation or other entity upon conviction thereof in a court of summary jurisdiction shall be punishable by fines as specified in Section XI hereunder.

7. The Board of Township Supervisors or its Secretary or Manager shall be empowered to collect all fees due for the collection and disposal of recyclable materials from Township residences.

- C. Establishing reporting procedures for amounts of materials recycled.
- D. Establishing procedures for the distribution, monitoring and collection of recyclable containers.
- E. Establishing procedures and rules for the collection of leaf waste.

SECTION XI. VIOLATION AND PENALTY

Any person, partnership, corporation or other entity who violates or fails to comply with any provision of this Ordinance or any regulation promulgated pursuant thereto, with the exception only of those persons violating Section V of this Ordinance, shall, upon conviction thereof in a court of summary jurisdiction, be punishable by fines of not more than Ten (\$10.00) Dollars for the first offense, not more than Twenty-Five (\$25.00) Dollars for the second offense, and not more than Fifty (\$50.00) Dollars for the third offense, plus costs of prosecution. Any person who violates Section VII of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each such violation. No enforcement of Sections III and V of this Ordinance shall be made until three (3) months from the effective date of recycling regulations to be promulgated hereunder.

Each violation for each separate day and each violation of any provision of this Ordinance, any regulation promulgated hereunder, any order issued hereunder or the terms or conditions of any approved municipal waste management plan shall constitute a separate offense.

SECTION XII. FRANCHISE OR LICENSE

The Township may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

SECTION XIII. JOINT MUNICIPAL COOPERATION

Upper Yoder Township is hereby authorized to join with other municipalities in a cooperative effort to carry out the intent of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988 (P.L. 556, No. 101), 53 P.S. Section 4000.101 et seq.

SECTION XIV. REPEAL AND SEVERABILITY

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Should any part of this Ordinance be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this Ordinance. It is hereby declared that such parts as are legal would have been erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Township that such remainder shall be and remain in full force and effect.

SECTION XV. MODIFICATIONS

The Township may, from time to time, modify, add to or delete from the standards and regulations herein and as authorized in Section X.

SECTION XVI. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by law.

ORDAINED AND ENACTED this 1st day of August, 1991.

UPPER YODER TOWNSHIP

Ray M. Hoffman
James E. Pasch
Robert J. Christ

ATTEST:

Mary Kay Maker
Secretary

TOWNSHIP OF UPPER YODER
CAMBRIA COUNTY
PENNSYLVANIA

RECYCLING PROGRAM REGULATIONS

The following regulations will govern the Upper Yoder Township Recycling Program as empowered by Section X of the Township of Upper Yoder Recycling Ordinance enacted on the 15th day of August, 1991. Said Ordinance shall in all respects be controlling in the event any discrepancies, inconsistencies or ambiguities exist hereunder.

I. SEPARATION AND COLLECTION

All persons who are residents of the Township shall separate all of those recyclable materials designated by the Township from all other municipal waste produced at their homes, apartments and other residential establishments, shall store such materials for collection, and shall place the same for collection in accordance with the guidelines established hereunder.

II. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Township or its authorized collector pursuant to the Township of Upper Yoder Recycling Ordinance shall from time of placement at the curb, become the property of the Township or the authorized collector, except as otherwise provided by Section VIII of said Ordinance. Nothing shall be deemed to impair the ownership of separate recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

III. RESIDENTIAL: SINGLE FAMILY

A. Material to be recycled:

1. Glass; clear, green and brown.
2. Aluminum beverage or food cans.
3. Bi-Metal beverage or food cans consisting of steel and aluminum, and cans commonly referred to as "tin" cans.
4. Plastic containers PET which shall mean containers used for soft drinks.

5. Plastic containers HDPE which shall mean containers used for milk, clothes and dish washing soaps and other cleaning products.

B. Preparation of materials:

1. All glass bottles and jars shall be rinsed, labels may be left on. NO window glass, light bulbs, fluorescent tubes, porcelain or ceramics are to be included. Do not break glass bottles or jars.
2. Aluminum and Bi-Metal cans shall be rinsed and the paper labels shall be removed. Cans should be flattened to save space.
3. Plastics (PET and HDPE) shall be rinsed and crushed and metal caps and rings around the necks of containers shall be removed.

C. Storage:

1. All materials for recycling should be co-mingled and stored for collection in the blue container issued by Upper Yoder Township.
2. Storage may be in any convenient place in the residence.

D. Collection:

1. Materials for recycling will be collected bi-weekly (26 times per year) on the designated day (garbage collection day) during the designated weeks as instructed by Upper Yoder Township.
2. The recycling container(s) shall be placed at curbside for collection and, where there is no curb, immediately next to the paved or traveled portion of the roadway. Residents are not to place containers on the roadway.
3. Placement of container(s) at curbside shall be no earlier than 5:00 p.m. on the day prior to the designated collection day and must be removed from curbside no later than 6:00 p.m. on the day of collection.
4. If the recycling container is lost, stolen or mutilated by a party other than the recycling collector, the container will be replaced by the Township at a charge to the resident of Ten (\$10.00) Dollars per container.
5. The recycling collectors shall take reasonable care in

handling the recycling containers and shall not willfully break, deface or damage the same. All containers broken or destroyed by improper or careless handling by the collector shall be replaced by the collector at his own expense. It shall be the duty of the collector and the resident to notify the Township of any damage to the containers as issued. Failure to so report damage can constitute a violation of the Ordinance, for which penalties, plus costs of prosecution, shall be imposed upon the violator.

6. If a resident moves from the Township or to another address in the Township, the Township shall be notified by said resident, and the numbered container issued to said resident shall be transferred to the new occupant/resident who shall then be responsible for the container.

IV. RESIDENTIAL: MULTI-FAMILY

A. Materials to be Recycled:

The materials shall be the same as specified in III, A.

B. Preparation of Materials:

Preparation shall be the same as specified in III, B.

C. Storage:

Storage of materials shall be as best suited for each multi-family building. The method of storage and storage container(s) must be submitted to Upper Yoder Township, in writing, for approval.

D. Collection:

1. The collection day shall be the same as specified in III, D-1.
2. The collection point shall be as best suited for each multi-family building and must be approved by Upper Yoder Township.

E. Education of Building Occupants:

The owner, landlord or agent of an owner or landlords of a multi-family rental housing property with more than four units shall comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations

for the containers and written instructions to the occupants concerning the use and availability of the collection system. To be eligible for an exemption under this subsection, a multi-family solid waste generator must, annually, apply for a permit to do so and provide written documentation on a quarterly basis to the Township setting forth the total number of tons recycled for each category of recyclable material.

F. Non-Compliance:

Owners, landlords or agents who comply with these regulations shall not be liable for the non-compliance of the building occupants, so long as they report violators to the Township in writing by certified mail. It is expected, however, that compliance will be encouraged by the owner, landlord or agent.

V. COMMERCIAL, MUNICIPAL AND INSTITUTIONAL

A. Materials to be recycled:

1. High grade office paper.
2. Corrugated paper.
3. Aluminum and bi-metal cans.
4. Glass; clear, green and brown.
5. Plastics (PET and HDPE).

B. Preparation of Materials:

The preparation of materials for recycling shall be as required by the collector, broker and/or end market.

C. Storage:

Storage must be done in a safe area and sanitary manner. The storage container should be of a type as recommended by the collector.

D. Collection:

1. Collection must be provided no less than bi-weekly.
2. The responsibility for ensuring that materials are collected shall be borne by the owner or manager of each establishment required to recycle.

E. Education of Employees:

It is the responsibility of the owner or manager of each establishment to fully educate all present and future employees of the complete details of the recycling program.

F. Annual Report:

All establishments are required to submit an annual report on the form provided by Upper Yoder Township no later than October 15 of each successive year.

G. Exemption from Regulations:

An establishment may be exempted from these regulations if the establishment has otherwise provided for the recycling of these materials. To be exempted, written documentation must be provided no later than October 15 of each successive year certifying the total tonnage of each item recycled during the year. The report must be submitted on the form provided by Upper Yoder Township.

VI. SEPARATION AND COLLECTION OF LEAF WASTE

(This section is to be written upon completion of regulations by Pennsylvania DER and finalization of Upper Yoder Township program.)

VII. PUBLIC EDUCATION

A. Residential:

1. The Township shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements as required by Act 101.
2. The program will include various newspaper ads, posters and mailings to residents and will take place prior to initiating the recycling program in September 1991.
3. A public education mailing will be done in August of 1991, at least thirty (30) days prior to the Act 101 mandatory recycling initiation date. The mailing shall include all necessary information needed by any resident in order to participate.
4. Public education programs and information in such form and manner as deemed appropriate and necessary shall be conducted at last once, six (6) months after the initial notice in Paragraph 3 above, and as often as necessary thereafter.
5. All public education information and notices shall

contain no less than that as required by Act 101 and necessary information from Upper Yoder Township Ordinance NO. 223, as deemed appropriate.

B. Commercial, Municipal and Institutional:

Commercial, municipal and institutinal public education and notice will be provided as required by Act 101. All such establishments are to submit recycling plans to the Township by September 15, 1991, or from time to time as the Township shall so require.

VIII. ENFORCEMENT

A. Board of Supervisors or its Secretary or Manager:

The Board of Supervisors or its Secretary or Manager or the Board's designee is authorized and directed to enforce these regulations. Failure to comply with any of the provisions of the Recycling Ordinance or any regulations promulgated pursuant thereto and herein shall, upon conviction in a court of summary jurisdiction, be punishable by fine, plus costs of prosecution as specified in Article XI of the Township of Upper Yoder Recycling Ordinance.

IX. AMENDMENTS TO THE REGULATIONS

- A. These Recycling Program Regulations may be amended or changed from time to time as deemed necessary. All such changes shall be approved by motion at a public meeting by the Board of Upper Yoder Township Supervisors.
- B. Any amendments or changes to these regulations shall not in any way change, alter or amend Ordinance No. 223.

X. APPROVAL OF REGULATIONS

By motion of Upper Yoder Township Supervisors, these Recycling Program Regulations are approved this 1st day of August, 1991.

UPPER YODER TOWNSHIP

Ray M. Shaffer
Don W. Baser
Robert V. Chaudhry

ATTEST:

Secretary

Mary Kay Maher