

Part 1
COLLECTION AND DISPOSAL

§ 20-101. Purpose and Definitions. [Ord. 498, 12/7/2015]

1. Purpose. The storage, preparation, collection and disposal of garbage and refuse in the Township of West Lebanon shall be done and governed as follows.
2. Definitions. As used in this part, the following terms shall have the meanings indicated:

CONTRACTED COLLECTOR — A person who has obtained a commercial license to operate a refuse removal service in Lebanon County to collect, transport, and/or dispose of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial, and institutional establishments. (The term may be applied to a person having the exclusive right to collect within the Township.)

DEBRIS — Building rubbish and building construction or reconstruction rubbish, stones, street refuse, industrial refuse, dead animals, dilapidated large machinery and/or appliances, home furnishings or such other waste materials as are not commonly produced in homes, stores, and institutions, or which cannot be enclosed within an approved refuse receptacle or container. Debris shall not include materials that are recyclable and have been separated and properly stored for recycling purposes in an approved receptacle or container.

GARBAGE — The animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods.

OWNER — Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON — A corporation or copartnership as well as an individual.

REFUSE — Is a general term and shall mean all matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort and safety of the community; it shall include ashes, garbage, rubbish and other refuse materials but exclude human body waste.

RUBBISH — Sawdust, whips, shavings, woodenware, leather, rags, manure and solid combusted matter not included in the definition of the term "garbage." **[Ord. 513, 1/7/2019]**

§ 20-102. Preparation of Refuse. [Ord. 498, 12/7/2015]

1. Refuse shall be prepared in the following manner:
 - A. All garbage, before being placed in refuse containers, shall be drained free from all liquids and shall be wrapped in several thicknesses of paper, or commercially available plastic garbage bags appropriately designed for refuse collection and disposal.
 - B. All refuse shall be drained of any liquid before being deposited for collection.

- C. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.

§ 20-103. Refuse Containers. [Ord. 498, 12/7/2015]

1. Refuse receptacles shall be made of rust-resistant material, be watertight, verminproof and flytight, be provided with a watertight cover, and have handles on the side.
2. No person shall use refuse receptacles having a capacity of more than 32 gallons or less than 10 gallons. However, in the case of a multifamily dwelling, commercial, mercantile, and industrial establishments, storage may be permitted in approved commercial-sized containers (dumpsters).
3. Refuse receptacles shall be kept as sanitary as possible and shall be thoroughly cleansed by the owner at least periodically after collection. Said container shall be in good condition and structurally sound, not likely to injure the collector or his employees or hamper the prompt collection of refuse. Defective containers shall be replaced upon notice.
4. Refuse Storage Facilities. Every dwelling unit shall be supplied with approved containers and covers for storage of refuse, and the owner, operator, or agent in control of such dwelling shall be responsible for the removal of such rubbish.
5. It shall be the duty of the refuse collector to handle all containers carefully and to replace the lid on containers after each collection. Failure to comply with such a request will constitute a violation of this Part.

§ 20-104. Storage of Garbage or Refuse. [Ord. 498, 12/7/2015]

1. No person shall place any garbage or refuse in any street, alley, or other public place, or upon any private property within the Township, unless the same is placed in a proper refuse container for collection. Likewise, no person shall throw or deposit any garbage or refuse in any stream or any other body of water.
2. Any unauthorized accumulation of garbage or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage or refuse within three days after the effective date of this Part shall be deemed a violation of same.

§ 20-105. Collection Practices. [Ord. 498, 12/7/2015]

1. Place of Collection. Refuse receptacles, for collection purposes, shall be placed at ground level on the property, not within the right-of-way of a street or alley, and easily accessible from the side of the street or alley from which collection is made, except where an agreement exists with the collector to collect from a basement or porch. Additionally, commercial-sized containers (dumpsters) shall be placed on an adequately sized concrete slab.
2. Frequency of Collection.
 - A. On and after the effective date of this Part, garbage or refuse shall be collected at least once weekly, except where more-frequent collection is deemed necessary as in the case

of multifamily dwellings, commercial, mercantile, and industrial uses.

- B. Any person disposing of his own garbage or refuse shall provide for collection at intervals frequent enough to meet the requirements in Subsection 2A above.
3. Use of Contracted Collectors. All residents of the Township must utilize a duly contracted collector as set forth in § 20-106 of this Part. Failure to do so shall result in penalty as provided for in § 20-112 of this Part.

§ 20-106. Collection by Licensed Collectors; Fee. [Ord. 498, 12/7/2015]

1. Only a person licensed by the Township of West Lebanon may collect garbage or refuse within the limits of the Township.
2. An authorized collector is one who entered a contract with or has been granted a license by the Township of West Lebanon for the specific purpose of collecting and disposing of garbage and refuse.
3. No licensed collector shall dispose of any garbage or refuse collected in the Township of West Lebanon except by conveyance to the place of disposal as prescribed herein.
4. Failure of licensed collectors to comply with the provisions of this Part shall result in having such license revoked.
5. No person shall permit any unlicensed collector to take any garbage or refuse from premises occupied by him.

§ 20-107. Collection Vehicles. [Ord. 498, 12/7/2015]

All vehicles used for collection of garbage or refuse shall have a compactor-type body and shall be maintained structurally sound, sanitary, and in good operating condition.

§ 20-108. Place and Method of Disposal. [Ord. 498, 12/7/2015]

1. No person shall hereafter dispose of any garbage or refuse collected in the Township except by conveyance to the sanitary landfill operated by the Greater Lebanon Refuse Authority.
2. After the effective date of this Part, all garbage or refuse in the Township shall be disposed of in the sanitary landfill operated by the Greater Lebanon Refuse Authority.
3. No person shall hereafter transport any garbage, refuse, rubbish or debris whatsoever from outside the Township to within the limits of the Township for disposal by the Township solid waste collection process established by this Part.

§ 20-109. Violation Notification and Remedy. [Ord. 498, 12/7/2015]

1. The Township shall notify a person in writing of the violation of this Part. In the event the person so notified fails to remove said garbage or refuse by the time limit for compliance set on said notice, in addition to the penalty herein, the Township may cause the removal of said refuse and bill such person for the cost thereof.

2. In case of neglect or refusal by the person to pay such bill within 30 days, the bill shall be subject in all respects to the general law provided for the filing and recovery of municipal liens. Such liens will be prepared by the Township and filed by the Township Solicitor, as provided by law.

§ 20-110. Cost of Remedy. [Ord. 498, 12/7/2015]

The cost for garbage or refuse violation remedy service of the Township as mentioned shall be as follows: The person shall be billed for the cost thereof, at the rate to be established by the Commissioners of West Lebanon Township, which would compensate the Township for both direct and indirect costs and extraneous expenses incurred.

§ 20-111. Enforcement. [Ord. 498, 12/7/2015]

The Township, through its employees and police, shall enforce all provisions of the regulations contained herein.

§ 20-112. Penalty. [Ord. 498, 12/7/2015]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

Part 2
RECYCLING

A.
Recycling.

§ 20-201. Short Title and Purpose. [Ord. 498, 12/7/2015]

1. Short Title. This Part shall be known as the "Township of West Lebanon Recycling Ordinance," and the same may be cited in that manner.
2. Purpose. The Township of West Lebanon, recognizing that reclamation of recyclable materials has become an important method for addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, and transportation of recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.101 et seq. (No. 101), the Lebanon County Solid Waste Management Plan, and this Part. This Part is intended to be an integral part of an overall system designed to facilitate recycling and foster the cooperation of residents.

§ 20-202. Definitions. [Ord. 498, 12/7/2015]

The following words and phrases, when used in this Part, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

AUTHORITY — The Greater Lebanon Refuse Authority.

BIMETAL CONTAINERS — Empty metal beverage or food containers consisting of steel and aluminum.

COMMERCIAL — Any establishment engaged in a nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters. For the purposes of this agreement, multifamily dwellings, townhouses, mobile home parks, hotels, motels, mixed-use properties (combined business/residential on a single parcel), and farms which use commercial dumpsters shall be considered commercial establishments. It does not include properties where the primary permitted use is residential and the accessory use is commercial (i.e., home occupations).

COMMUNITY ACTIVITIES — Church, school, civic, service group, and municipal functions and all other such functions.

CONTRACTED COLLECTOR — A person who has obtained a commercial license to operate a refuse removal service in Lebanon County to collect, transport, and/or dispose of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial, and institutional establishments. (The term may be applied to a person having the exclusive right to collect within the Township.)

CORRUGATED PAPER — Structural paper material with an inner core shaped in rigid parallel

furrows and ridges.

CURBSIDE RECYCLING COLLECTION — The scheduled collection and transportation of recyclable materials placed at the curblineline or other area designated by the collector.

CUSTOMER — The owner of any residential, commercial, industrial, or institutional property located within the Township.

DESIGNATED AGENT — An agent, such as the Greater Lebanon Refuse Authority, acting on behalf of a municipality, whose powers and responsibilities are established in the Lebanon County Solid Waste Management Plan and the Lebanon County License Agreement administered by the Greater Lebanon Refuse Authority.

DROPOFF SITES — Those specified locations, staffed or unstaffed, where recyclable materials may be taken at specified times.

DWELLING UNIT — One or more rooms on premises which have cooking facilities and are arranged for occupancy by one person, two or more persons living together, or one family.

ENFORCEMENT OFFICER — The official designated herein or otherwise charged with the responsibilities of administering this Part, or the official authorized representative.

GLASS CONTAINERS — Bottles and jars made of clear, green or amber glass. Expressly excluded are noncontainer glass, automobile glass, plate glass, blue glass, lead crystal, and porcelain and ceramic products.

HIGH-DENSITY POLYETHYLENE (#2 HDPE) CONTAINERS — Plastic bottles and jars made exclusively from noncolored high-density polyethylene, such as milk and water jugs.

HIGH-GRADE OFFICE PAPER — All white paper, bond paper, and computer paper used in commercial, industrial, institutional, and municipal establishments.

INDUSTRIAL — Any establishment engaging in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, and refineries.

INSTITUTIONAL — Any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

LEAD-ACID BATTERIES — Shall include, but not be limited to, automotive, truck, and industrial batteries that contain lead.

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

MUNICIPAL SOLID WASTE — Any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semisolid or contained gaseous materials resulting from the operation of residential, municipal, commercial, industrial, 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, 35 P.S. § 6018.101 et seq., from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air-pollution control facilities (53 P.S. § 4000.103).

NEWSPAPERS — All 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 are wet, yellowed, or soiled.

PERSON — An individual, partnership, corporation, association, institution, cooperative enterprise, 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.

POLYETHYLENE TEREPHTHALATE (#1 PET) CONTAINERS — Plastic soda bottles composed of the polymer PET.

RECYCLABLE MATERIALS — Source-separated recyclable materials, including materials listed in Section 1501 of Act 101, 53 P.S. § 4000.1501, and materials identified by the municipality to be recycled.

RESIDENTIAL — See "dwelling unit."

STEEL CANS — Empty all-steel food and beverage containers.

TOWNSHIP — The governmental jurisdiction and legal entity of the Township of West Lebanon, Lebanon County, Pennsylvania.

§ 20-203. General Provisions. [Ord. 498, 12/7/2015]

Those recyclable materials separated under the provisions of this Part shall not be considered municipal waste and shall not be subject to provisions of Township ordinances which require disposal of municipal solid waste at the Greater Lebanon Refuse Authority facilities by a hauler licensed by the county's designated agent, the Greater Lebanon Refuse Authority.

§ 20-204. Establishment of Program. [Ord. 498, 12/7/2015]

The Township hereby establishes a program for the mandatory separation of recyclables from municipal waste by residential dwellings and commercial, industrial, and institutional establishments.

§ 20-205. Recycling by Licensed Hauler. [Ord. 498, 12/7/2015]

All recyclable materials generated within the Township shall be collected by a refuse hauler who is licensed in Lebanon County and a contracted collector. Commercial, industrial, and institutional establishments may utilize an individual recycling program in conformance with § 20-206.

§ 20-206. Individual Recycling Plan. [Ord. 498, 12/7/2015]

1. Commercial, industrial, and institutional establishments conducting their own recycling programs, not in conjunction with a licensed hauler for the collection of municipal waste and recyclables, shall file with the Township or its designated agent and have approved by the Township or its designated agent plans for individual recycling programs which provide for, at a minimum, the recycling of items listed in rules and regulations for the recycling program.
2. In addition to filing an individual recycling plan, commercial, industrial, and institutional customers who choose to establish an individual recycling program are required to submit annually to the Township or its designated agent weigh slips or other certifications which show the weight and type of material recycled by that establishment. If weigh slips are not used, the form of certification requires the prior approval of the Township or its designated agent. The required information is due as of the end of each calendar quarter and shall be

presented to the Township within 30 days after the end of each quarter.

3. An individual recycling plan for commercial, industrial, or institutional establishments shall provide the following information:
 - A. Applicant's company name, address, telephone number, contact person and owner's name.
 - B. Company name, address, telephone number, and contact person for entity providing the recycling service.
 - C. Description of materials to be recycled, frequency of collection, method of storage and how service will be provided.
 - D. Form of certification to assure proper disposal of recyclable materials.
 - E. Municipality in which the establishment is located.
 - F. Other information as may be required by the Township or its designated agent which is intended to assure the proper disposal of recyclable materials.

§ 20-207. Establishment of Regulations. [Ord. 498, 12/7/2015]

The Township or its designated agent shall establish and promulgate regulations on the manner, days, and time of collection of recyclable materials and for the bundling, handling, location, and time of placement of such materials for collection. Regulations shall be promulgated for each of the programs undertaken for residential dwelling units and commercial, industrial, and institutional establishments.

§ 20-208. Special Items. [Ord. 498, 12/7/2015]

1. Lead-Acid Batteries. No person shall place a used lead-acid battery in mixed municipal solid waste or discard or otherwise dispose of a lead-acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of the Commonwealth of Pennsylvania.

§ 20-209. Collection by Unauthorized Persons. [Ord. 498, 12/7/2015]

1. It is understood that any recyclable materials located at the curblin are the property of the Township. It is further understood that any recyclable materials deposited at dropoff sites, or in storage bins associated with residential dwellings or commercial, municipal, industrial, and institutional establishments, are the property of the owner. Recyclable materials deposited in containers owned by the Greater Lebanon Refuse Authority are the property of the Authority.
2. It shall be a violation of this Part for any person(s) to collect or remove or cause to be collected or removed any such recyclable materials specified by the Township rules and regulations unless authorized by the Township or its designated agent. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as outlined in

§ 20-212 of this Part.

§ 20-210. Enforcement and Administration. [Ord. 498, 12/7/2015]

The Board of Commissioners shall appoint an enforcement officer or officers to enforce and administer the provisions of this Part.

§ 20-211. Alternative Disposition of Recyclable Materials. [Ord. 498, 12/7/2015]

Any person may donate or sell recyclable materials to individuals or organizations. Otherwise, such materials are to be placed at curbside, in dropoff facilities or storage bins or in similar authorized locations for collection by the licensed hauler as applicable. Dropoff facilities may be sited for use by residents of Lebanon County, outside of West Lebanon Township, not serviced by a curbside route.

§ 20-212. Penalties. [Ord. 498, 12/7/2015]

1. Nonparticipation.
 - A. Upon the discovery of any violation under the terms of this Part, the Township may, through its authorized agent, give notice to the owner or occupant of a violation hereunder, either by personal delivery to such owner or occupant, by United States mail directed to the last known address of such person or persons, as shown in the real estate registry records of the Township, or by leaving the same on the premises where such violation occurs.
 - B. Such person shall, within seven days after the delivery, mailing, or leaving of such notice, make settlement by paying to the Treasurer of the Township the sum of not less than \$25 for the violation. Upon the failure of such person to make settlement, as aforesaid, within seven days, the Township may institute an action for violation pursuant to Subsection 2. Nothing contained in this section shall affect, in any way, the provisions of this Part regarding separate offenses for every day any violation occurs.
2. Fines for Nonparticipation or Nonpayment. On neglect or refusal of the occupant of any dwelling serviced by curbside recycling collection, residential dwelling unit, or commercial, industrial, or institutional establishment, to separate recyclable materials from municipal solid waste and place them at curbside or sites established by the Township or its designated agent, or make settlement in Subsection 1, that person, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.
3. Unauthorized Collection. If any person, firm, corporation, or other entity, unauthorized by the Township or its designated agent, collects or removes or causes to be collected or removed any such recyclable materials as specified in the West Lebanon Township regulations, or in violation of the provisions of this Part, such person, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

4. Pilfering of Collection Containers. If any person is responsible for pilfering of collection containers issued to a residence slated for either curbside collection or any other phase of the West Lebanon Township Recycling Program, such person, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. The affected resident will be responsible for replacing any missing container through purchase from the Township or its designated agent.