

Chapter 20

Solid Waste

Part 1

Municipal Waste Management

- §20-101. Definitions
- §20-102. Mandatory Recycling
- §20-103. On-Site Collection and Disposal
- §20-104. Residential Units
- §20-105. Multi-Family Units and Nonresidential Units
- §20-106. Designated Recyclable Materials
- §20-107. Approved Haulers
- §20-108. Illegal Dumping and Open Burning
- §20-109. Collection Service Fees
- §20-110. Scavenging
- §20-111. Existing Contracts
- §20-112. Authorization of Borough
- §20-113. Unlawful Activity
- §20-114. Penalty
- §20-115. Persons Liable
- §20-116. Injunctive Relief
- §20-117. Concurrent Remedies

Part 2

Municipal Solid Waste Disposal

- §20-201. Definitions
- §20-202. Operation by Licensed Collectors
- §20-203. Disposal at Designated Solid Waste Processing or Disposal Facility
- §20-204. Regulations
- §20-205. Existing Contracts
- §20-206. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited; Continuation of Existing Facilities
- §20-207. Unlawful Activities; Nuisance
- §20-208. Penalties
- §20-209. Revocation of License
- §20-210. Injunctions; Concurrent Remedies
- §20-211. Intermunicipal Agreement
- §20-212. County/LCSWMA Operations and Charges
- §20-213. Construction

Part 1**Recycling****§20-101. Definitions.**

Any term, if not defined in this Part, shall have the meaning as from time to time set forth in the LCSWMA rules and regulations which are incorporated into this Part by reference. In addition, as used in this Part, the following terms shall have the following meanings:

Act 97 - the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 *et seq.*, as now or hereafter amended.

Act 101 - the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, 53 P.S. §4000.101 *et seq.*, as now or hereafter amended.

Aluminum - all food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

Battery bags - bags which LCSWMA makes available to generators of municipal waste and which shall be used as disposal containers for batteries which are generated in households.

Borough - Christiana Borough.

Borough's policies and procedures - the rules and regulations adopted and revised from time to time by the Borough which govern and pertain to (1) the Borough's recycling program and (2) the on-site collection or storage of regulated municipal waste within the Borough.

Clear glass - clear glass consists only of clear food and beverage containers made of glass, of 1 gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

Colored glass - colored glass consists only of green or brown food and beverage containers made of glass, of 1 gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

Commencement date - the date upon which the current and subsequent municipal contract collection services begin.

Commingled - designated recyclable materials (1) which have been segregated from regulated municipal waste, but which have not been separated into different types of recyclable materials and (2) which have been placed in a recycling container for the purpose of collection.

Community activities - events that are sponsored by public or private agencies or individuals including, but not limited to, fairs, bazaars, socials, picnics and

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

Composting - the process by which solid organic waste is biologically decomposed under controlled aerobic or anaerobic conditions to yield a humus-like product.

Construction/demolition waste - a portion of municipal waste resulting from the construction or demolition of buildings and other structures, including wood, plaster, drywall and wall board, metals, asphaltic substances, bricks, block, and unsegregated concrete. The term also includes street sweepings and nonfriable asbestos waste. The term does not include the following if they are separated from other waste and used as clean fill:

- (1) Uncontaminated soil, rock, stone, gravel, brick, block, concrete, and used asphalt.
- (2) Waste from land clearing, grubbing and excavation including trees, brush, stumps and vegetative material.

Contractor - the person providing municipal contract waste and designated recyclable materials collection services under the municipal contract.

Corrugated cardboard - unbleached, unwaxed kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and related products.

Curbside - the correct location for the placement of refuse containers and recycling containers for the purpose of collection by the contractor, which shall be (1) adjacent to the residential unit and (2) no more than 5 feet from the public street used by collection vehicles.

Designated recyclable materials - those source separated recyclable materials designated in §20-106 of this Part.

Existing contract - any municipal contract for the storage, collection, transportation, processing or disposal of regulated municipal waste or designated recyclable materials generated or located within the Borough which (1) was legally entered into prior to, the effective date of this Part and (2) when entered into was legally enforceable.

Extra refuse containers - refuse containers which are in excess of the number of refuse containers per collection site limit in the municipal contract.

Extra service tag - a label which must be affixed to tires, white goods, oversized refuse items, yard waste and extra refuse containers in order for such items to be collected by the contractor.

Facility - any specific site designated by LCSWMA (or approved by LCSWMA) as the specific place or site to which solid waste or source separated recyclable materials, or any portion of solid waste or source separated recyclable materials, must or may be delivered; or in the absence of a specific site being designated by LCSWMA, any approved site for the delivery of any category of solid waste or source separated recyclable materials.

Farm - a tract of land containing 10 or more acres which is used for agricultural purposes, which agricultural activities provide the major and primary source of income to the residents of the tract.

Generator - a person who produces or creates any solid waste.

Hazardous waste - garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of these factors, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include (1) coal refuse as defined in the Coal Refuse Disposal Control Act, 52 U.S.C.A. §§30.51-30.62, (2) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law, 35 P.S. §§691.1691.1001, (3) solid or dissolved material in domestic sewage, (4) solid dissolved materials in irrigation return flows, (5) industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, 33 U.S.C.A. §1342, or (6) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C.A. §§2011-2394.

High-grade office paper - desktop generated paper limited to white ledger, copy paper, and computer printout (CPO).

Household hazardous waste - a portion of municipal waste that would be considered hazardous under Act 97 but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under Act 97 and is generated by persons not otherwise covered as hazardous waste generators by Act 97. Household hazardous waste includes the following materials and other materials of a similar nature:

- (1) Antifreeze.
- (2) Batteries.
- (3) Chlorinated hydrocarbons.
- (4) Fluorescent light bulbs and other mercury-containing devices.
- (5) Gasoline and kerosene.
- (6) Grease and rust solvents.
- (7) Oven, toilet and drain cleaners.
- (8) Paints, rust preventatives, stains and wood preservatives.
- (9) Pesticides, fungicides, herbicides, insecticides, rodenticides, roach and ant killers.
- (10) Photographic and pool chemicals.
- (11) Thinners, solvents and furniture strippers.
- (12) Transmission and brake fluids.

(13) Used oil or other hydrocarbon based lubricants.

(14) Wood, metal, rug and upholstery cleaners and polishes.

LCSWMA - the Lancaster County Solid Waste Management Authority, a municipal authority organized and existing under the Municipality Authorities Act, as amended.

LCSWMA Facility - any facility owned or operated by or on behalf of LCSWMA.

Manifest - a form supplied by LCSWMA to be completed and signed by each person who collects or transports solid waste or source separated recyclable materials and which specifies, inter alia, (1) the source, type, quantity and delivery point for the solid waste or source separated recyclable materials, (2) the applicable license number and (3) other pertinent information.

Multi-family unit - a property with four or more residential units, including without limitation, apartment complexes, condominium complexes, retirement homes and mobile home parks, excluding farms.

Municipal contract - the agreement between the Borough and a permitted collector under which collection services are to be provided to residential units for municipal contract waste and for designated recyclable materials.

Municipal contract waste - those portions of regulated municipal waste which are to be collected and disposed of under this municipal contract. Municipal contract waste consists exclusively of refuse and oversized refuse items.

Newsprint - paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

Nonprocessable waste - nonprocessable waste is a portion of municipal waste consisting of materials which cannot be handled by LCSWMA's normal processing or disposal methods. Nonprocessable waste includes items greater than 6 feet in any dimension such as mattresses, large furniture and recreational vehicles. Nonprocessable waste (oversized) may consist of large auto parts, machines, and any other items deemed appropriate by LCSWMA.

Nonresidential units - all commercial, municipal and institutional establishment, all community activities and all farms, excluding residential units and multi-family units.

Open burning - a fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

Oversized refuse items - refuse which will not fit into refuse containers, but which is not nonprocessable waste, including small furniture, carpet, portable televisions and the like, but excluding tires and white goods.

Permitted collector - a person who is in possession of all pertinent permits and licenses which may be required by (1) the Borough and (2) LCSWMA, for the collection, storage or disposal of solid waste or recyclable materials.

Person - any individual, firm, partnership, corporation, association, institution, cooperative enterprise, Municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Plastics - recyclable plastics are identified on the bottom of the container and

consist of two types of containers, namely: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

Putrescible waste - a portion of municipal waste consisting of organic waste materials which due to biological decomposition are, or have a tendency to be, rotten, foul, or odorous, including dead animals and spoiled foods, but not including sludge.

Recyclable materials - any material which would be regulated municipal waste but for source separation and which will be processed into raw materials or products which are beneficially reused.

Recycling - the separation, collection, recovery and sale or reuse of metals, glass, paper, yard waste, plastics and other materials which would otherwise be disposed of or processed as solid waste or the mechanized separation and treatment of solid waste and creation and recovery of reusable materials.

Recycling container - for residential units, the term “recycling container” shall refer to the container supplied by the Borough. For multi-family units and nonresidential units, the term “recycling container” shall refer to a receptacle which is constructed of plastic, metal or fiberglass and has handles of adequate strength for lifting.

Refuse - refuse is that portion of regulated municipal waste except:

- (1) Construction/demolition waste.
- (2) Nonprocessable waste.
- (3) Putrescible waste.
- (4) Household hazardous waste.

Refuse container - a receptacle which is (1) constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors or (2) a polyethylene bag which (a) is specifically designed for storage and collection, (b) is protected against animal damage and overloading so as to prevent littering or attraction of insects or rodents and (3) has a holding strength capable of withstanding normal stresses until it is collected. With respect to residential units, the weight of a refuse container and its contents shall not exceed 30 pounds nor shall its capacity exceed 32 gallons.

Regulated municipal waste - any solid waste generated or collected within the Borough which is garbage, refuse, industrial lunchroom or office waste and 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 meeting the definition of residual waste or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include designated recyclable materials or unacceptable waste.

Residential unit - any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a multi-family building containing three or fewer dwelling units, excluding farms. When used in this Part or the Borough's policies and procedures, the term “residential unit” shall also refer to any multi-

family unit or nonresidential unit that requests and receives approval from the Borough to use the collection services provided under the municipal contract.

Residual waste - any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term does not include (1) coal refuse as defined in the Coal Refuse Disposal Control Act or (2) treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.

Scavenging - the removal of designated recyclable materials in violation of §20-110 of this Part.

Single stream - a system where recyclable materials; commonly fibers and glass, metal and plastic containers; are collected and processed together.

Solid waste or *waste* - any waste, including but not limited to municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

Source separate or *source separation* - the process of separating, or the separation of, designated recyclable materials from other solid waste at the location where generated for the purpose of recycling.

Steel cans - the ferrous metal food or beverage containers commonly known as tin cans.

Tires - any pneumatic rubber automobile, truck, or farm implement tire.

Unacceptable waste - the following types of solid waste are unacceptable waste unless approved by LCSWMA on a case-by-case basis:

- (1) Chemotherapeutic waste.
- (2) Drums, barrels, buckets and paint cans unless lids have been removed and interiors are cleaned and free of any residue.
- (3) Explosives and ordnance materials.
- (4) Gas cylinders, unless empty and delivered separate from other solid waste.
- (5) Hazardous waste.
- (6) Infectious/pathological waste.
- (7) Radioactive materials.

White goods - a portion of regulated municipal waste consisting of large appliances, including the following: clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces and electrical heaters.

Yard waste - All garden residues, leaves, shrubbery, tree trimmings, grass clippings, and sod.

(Ord. 194, 11/1/2004, §1)

§20-102. Mandatory Recycling.

All persons within the Borough shall source separate designated recyclable materials generated by such person or generated within a residential unit, multi-family unit or nonresidential unit occupied by such person.

(*Ord. 194, 11/1/2004, §2*)

§20-103. On-Site Collection and Disposal.

Each person who owns or occupies a residential unit, multi-family unit or nonresidential unit within the Borough shall ensure that regulated municipal waste and designated recyclable material generated at such residential unit, multi-family unit or nonresidential unit are collected and disposed of in accordance with this Part, the Borough's policies and procedures, and LCSWMA rules and regulations.

(*Ord. 194, 11/1/2004, §3*)

§20-104. Residential Units.

Collection services for municipal contract waste, and for designated recyclable materials shall be provided to residential units by the contractor. Each person who owns or occupies a residential unit shall prepare designated recyclable materials and municipal contract waste for collection in accordance with the Borough's policies and procedures. With respect to regulated municipal waste which is not municipal contract waste, persons who own or occupy residential units shall elect to provide proper on-site collection and disposal by either (A) themselves delivering such materials to a facility or (B) utilizing a permitted collector to collect and deliver such materials to a facility.

(*Ord. 194, 11/1/2004, §4*)

§20-105. Multi-Family Units and Nonresidential Units.

1. Each person who owns or occupies a nonresidential unit or multi-family unit shall provide proper collection and disposal for regulated municipal waste and designated recyclable materials by utilizing a permitted collector to collect and deliver such materials to a facility. With respect to municipal contract waste and designated recyclable materials, a person who owns or occupies a multi-family unit or nonresidential unit may request Borough approval to receive the services under the municipal contract.

2. Each person who owns or occupies a multi-family unit or nonresidential unit approved to receive services under the municipal contract shall comply with the Borough's policies and procedures established for residential units and notwithstanding the provisions of §20-106.2 and .3 of this Part, shall source separate the recyclable materials designated in §20-106.1.

3. Each person who owns a multi-family unit or nonresidential unit that does not receive services under the municipal contract shall:

A. Provide recycling containers at easily accessible locations for source separation of designated recyclable materials.

B. Provide written instructions to all persons occupying each multi-family unit and nonresidential unit to ensure that all designated recyclable materials are source separated.

C. Provide collection and delivery of source separated designated recyclable materials at a frequency of not less than once per month.

(*Ord. 194, 11/1/2004, §5*)

§20-106. Designated Recyclable Materials.

1. Each person who owns or occupies a residential unit shall source separate the following recyclable materials: (A) Clear glass, (B) colored glass, (C) aluminum, (D) steel cans, (E) plastic, (F) newsprint, (G) yard waste, (H) tires, and (I) white goods.

2. Each person who owns or occupies a multi-family unit shall source separate the following recyclable materials: (A) clear glass, (B) colored glass, (C) aluminum, (D) steel cans, (E) plastic, (F) yard waste, (G) tires, and (H) white goods.

3. Each person who owns or occupies a nonresidential unit shall source separate the following recyclable materials: (A) clear glass, (B) colored glass, (C) aluminum, (D) steel cans, (E) plastic, (F) yard waste, (G) high grade office paper, (H) corrugated cardboard, (I) tires, and (J) white goods.

(*Ord. 194, 11/1/2004, §6*)

§20-107. Approved Haulers.

1. With respect to (A) municipal contract waste and (B) designated recyclable materials, no person other than the contractor shall collect, transport, store, process or dispose of such contract waste. With respect to (A) regulated municipal waste other than municipal contract waste which is generated at residential units and (B) regulated municipal waste or designated recyclable materials generated at multi-family units or nonresidential units, no person other than a permitted collector shall collect, store, process or dispose of such waste. (Collection of leaves/yard waste may be arranged by the Borough in accordance with the Borough's policies and procedures.) Each permitted collector that collects or transports regulated municipal waste or designated recyclable materials generated in any residential unit, nonresidential unit or multi-family unit shall complete monthly LCSWMA manifests reporting the amount of regulated municipal waste and designated recyclable material collected in the Borough.

2. No person who generates, owns or possesses designated recyclable materials or regulated municipal waste shall, by contract for collection services or otherwise, cause, permit or assist in the collection, storage, processing or disposal of such waste by any person other than (A) the contractor with respect to municipal contract waste or designated recyclable materials generated at residential units, and (B) a permitted collector with respect to (1) regulated municipal waste other than municipal contract waste generated at residential units and (2) regulated municipal waste or designated recyclable materials generated at multi-family units or nonresidential units. (Collection of leaves/yard waste may be arranged by the Borough in accordance with the Borough's policies and procedures.)

3. No permitted collector who collects or disposes of designated recyclable materials or regulated municipal waste shall, by municipal contract for such services or otherwise, cause, permit or assist in the storage, collection, processing or disposal of designated recyclable materials in a manner which treats such materials as regulated municipal waste, or which is otherwise inconsistent with source separation or recycling. Any delivery of designated recyclable materials to a LCSWMA facility in accordance

with the LCSWMA rules and regulations shall be deemed to satisfy the requirements of this subsection.

4. Notwithstanding the provisions of subsections .1 and .2 above, any person who occupies a residential unit may deliver to a facility the regulated municipal waste and designated recyclable materials which were generated at such person's residence.

5. All regulated municipal waste and designated recyclable materials generated or collected in the Borough shall be delivered directly to a facility in accordance with the LCSWMA rules and regulations and without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse of any portion of any load of such regulated municipal waste and designated recyclable materials from the time of its collection until the time of its delivery to the facility.

6. Each permitted collector shall collect and deliver, separately to a LCSWMA facility battery drop-off location, all battery bags placed at curbside by residential units.
(*Ord. 194, 11/1/2004, §7*)

§20-108. Illegal Dumping and Open Burning.

1. No person shall store, process or dispose of any regulated municipal waste or designated recyclable materials except at a facility. Notwithstanding the foregoing or §20-106, yard waste may be composted to the extent and in the manner provided in the Borough's policies and procedures on the property on which such yard waste was generated.

2. No person shall process or dispose of any designated recyclable materials through open burning.
(*Ord. 194, 11/1/2004, §8*)

§20-109. Collection Service Fees.

Fees for services provided by the Borough shall be charged to all residential units within the Borough. The amount of fees and the schedule for payment of fees shall be as adopted by resolution from time to time by the elected body of the Borough. The Borough's policies and procedures may provide for the amount of annual fees, dates fees are due, interest and penalties for late payments and provisions for municipal liens and attorney's fees for unpaid collection service fees.

(*Ord. 194, 11/1/2004, §9*)

§20-110. Scavenging.

From the time of placement for collection of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator or the permitted collector who has contracted to provide on-site collection, as provided in the municipal contract. It shall be a violation of this Part for any person, other than such permitted collector, to collect or pick up, or cause to be collected or picked up, any such designated recyclable materials. (Collection of leaves/yard waste may be arranged by the Borough in accordance with the Borough's policies and procedures.)

(*Ord. 194, 11/1/2004, §10*)

§20-111. Existing Contracts.

1. Nothing in this Part shall be construed to impair the obligations of any existing contract.

2. No renewal or modification of any existing contract, and no new contract for the storage, on-site collection, processing or disposal of regulated municipal waste or designated recyclable materials, shall be entered into after the effective date of this Part unless such renewal or modification or new contract shall conform to the requirements of this Part and the Borough's policies and procedures.

3. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Section shall provide for on-site collection services to be performed after the commencement date for contract waste or designated recyclable materials generated at residential units. This provision shall not apply to the contract between the Borough and the contractor. With respect to any contract which violates this subsection, such contract shall be deemed void and the hauler that is a party to such contract (A) shall reimburse to the applicable residential units any funds which have been paid for such on-site collection services and (B) shall not collect or attempt to collect any funds for such on-site collection services.

(Ord. 194, 11/1/2004, §11)

§20-112. Authorization of Borough.

The Borough shall have the power to issue the Borough's policies and procedures governing all matters set forth in this Part and any other related matters be necessary or convenient by the Borough. The Borough's policies and procedures shall be effective when issued in writing and signed by the manager of the Borough. The Borough shall have the power to establish record and reporting requirements, and standards and procedures for the issuance, administration and revocation of licenses, as deemed necessary, including without limitation, (A) application procedures, fees, standards and conditions for licenses, (B) the fixing of a monetary bond, with or without surety, to secure the compliance by any permitted collector with any such requirements, standards or procedures, and (C) any other matters deemed necessary or convenient by the Borough. In the event of suspension or revocation of any license which is issued by the Borough or LCSWMA, the person whose collection permit is suspended or revoked shall refund to each customer any prepaid fees.

(Ord. 194, 11/1/2004, §12)

§20-113. Unlawful Activity.

It shall be unlawful for any person to violate, or cause or permit or assist in the violation of, any provision of this Part or any provision of the Borough's policies and procedures. All unlawful conduct shall also constitute a public nuisance.

(Ord. 194, 11/1/2004, §13)

§20-114. Penalty.

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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 194*, 11/1/2004, §14; as amended by *Ord. 205*, 6/5/2007)

§20-115. Persons Liable.

For purposes of the obligations established by this Part or the Borough's policies and procedures, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "person," "residential unit," "multi-family unit" and "nonresidential unit" shall (A) include officers and directors of any corporation or other legal entity having officers and directors and (B) refer to, and impose joint and several liability upon, both (1) the persons residing in or occupying any such residential, multifamily or nonresidential units and (2) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises.

(*Ord. 194*, 11/1/2004, §15)

§20-116. Injunctive Relief.

In addition to any other remedy provided in this Part, the Borough may institute proceedings to restrain any violation of, or to require compliance with, this Part and/or the Borough's policies and procedures.

(*Ord. 194*, 11/1/2004, §16)

§20-117. Concurrent Remedies.

The penalties and remedies set forth in this Part are in addition to, not in lieu of, any fines, penalties or remedies provided in the Borough's policies and procedures. The existence or exercise of any remedy shall not prevent the Borough from exercising any other remedy (A) provided under (1) this Part or (2) the Borough's policies and procedures, or (B) available at law or equity.

(*Ord. 194*, 11/1/2004, §17)

Part 2**Municipal Solid Waste Disposal****§20-201. Definitions.**

The following terms shall have the following meanings in this Part:

County - the County of Lancaster.

Existing contract - any agreement or contract fully executed prior to the effective date of this Part for the collection, disposal or transportation of municipal waste generated within this Municipality.

Facility - the waste to energy incinerator to be constructed by or on behalf of LCSWMA pursuant to the plan.

Full system operation or fully operational - that date which is 60 days from the date upon which the County and other municipalities representing in the aggregate not less than 60 percent of the population of the County, as determined by the 1980 Decennial Census of the United States, execute the intermunicipal agreement and enact waste flow ordinances.

LCSWMA - the Lancaster County Solid Waste Management Authority, its assigns, its successors in interest, and its predecessor in interest, the Lancaster Area Refuse Authority.

Municipality - the Borough of Christiana, located with the County of Lancaster, Commonwealth of Pennsylvania.

Person - any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty, imprisonment or denial or grant of any license, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

Plan - the Municipal Waste Management Plan for the County adopted by the County or municipalities therein and approved by the Pennsylvania Department of Environmental Protection. [Ord. 205]

Point of entry into the system - any delivery site within the system designated by LCSWMA for delivery of regulated municipal waste.

Recycling - the collection, separation, recovery and sale or reuse of metals, glass, paper, yard waste and other materials which would otherwise become municipal waste.

Regulated municipal waste - any garbage, refuse, industrial lunchroom or office waste, and other material including solid or semi-solid material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities, and any other solid waste which is within the definition "municipal waste" set forth in §103 of the Pennsylvania Solid Waste Management Act, Act of July 2, 1980, P.L. 380, No. 97, 35 P.S. §6018.103, and which LCSWMA, the County, or any contractor ("contractor") selected by the County or LCSWMA to

construct and/or operate a resource recovery facility or facilities to be located within the municipal boundaries of the County by ordinance or regulation is willing to accept at the facility, but excluding (1) any liquid waste or sludge, (2) any waste which is defined by existing or future Federal or State law or regulation as hazardous waste or residual waste, (3) infectious waste, pathological waste, or other waste for which treatment or handling requirements different from those normally applicable to municipal waste apply, (4) polychlorinated biphenyls, (5) any waste which may be marketable and which is intentionally segregated for purposes of recycling and (6) materials specifically excluded under applicable County or LCSWMA ordinances, rules or regulations.

Source separation - the segregation and collection, prior to delivery to a point of entry into the system, of materials for the sole purpose of recycling.

System - the overall solid waste management and disposal system and every aspect thereof owned or operated by or on behalf of LCSWMA including, without limitation, equipment, transfer stations, resource recovery facilities, and landfills, owned or operated, or to be acquired, constructed or operated by LCSWMA or any agent, designee or contractor thereof in implementation of the plan.

Transfer facility - any solid waste facility which is now or hereafter may be established by LCSWMA or the County for the purpose of accepting solid waste for processing and economical consolidation for subsequent delivery to the facility or other solid waste disposal site.

All other words and phrases shall have the same meanings as set forth in the Pennsylvania Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 *et seq.*, as it may hereinafter be amended or supplemented by legislation regarding municipal waste planning.

(*Ord. 138*, 1/6/1987, §1; as amended by *Ord. 205*, 6/5/2007)

§20-202. Operation by Licensed Collectors.

1. *Licensing*. No person who is not duly licensed by LCSWMA to deliver waste to the County system may collect or transport municipal waste located or generated within this Municipality. This prohibition shall become effective 120 days from the effective date of this Section of this Part.

2. *Compliance with Rules, Regulations and Ordinances*. In carrying on activities related to solid waste collection or transportation within this Municipality, all municipal waste collectors and all municipal waste transporters shall comply with all rules, regulations and ordinances pertaining to the collection, transportation and disposal of solid waste as may be hereinafter enacted by this Municipality or by the County pursuant to a parallel County Waste Flow Ordinance and all rules and regulations enacted by LCSWMA pursuant to authority given it under 53 P.S. §315¹,

¹Editor's Note: "53 P.S. §315" refers to the codification of §12 of the Municipality Authorities Act of 1945, relating to use of projects by municipal authorities incorporated under the Municipality Authorities Act of 1945. The Municipality Authorities Act of 1945 has been repealed and replaced by the Municipality Authorities Act, the Act of June 19, 2001, P.L. 287, No. 22, §1 *et seq.*, 53 Pa.C.S.A. §5601 *et seq.*, which continues

as hereafter amended.

3. *Administration.* Licenses hereunder shall be issued, revoked and administered by LCSWMA.

(*Ord. 138, 1/6/1987, §2*)

§20-203. Disposal at Designated Solid Waste Processing or Disposal Facility.

1. *Delivery to LCSWMA/County Sites.* All municipal waste collectors and transporters shall deliver and dispose of all regulated municipal waste collected or generated within the Municipality at a transfer station or disposal facility owned and operated by or on behalf of LCSWMA, subject to such reasonable regulations for the operation thereof as may be established by the County or LCSWMA.

2. *Disposal at Other Sites.* Disposal of regulated municipal waste collected or generated within the Municipality may occur at other sites only as permitted by rule, regulation, ordinance or order duly issued by the County or by the written agreement of the County, LCSWMA, and the Municipality. Disposal of regulated municipal waste at an existing facility from sources reflected on the notice to the Municipality, the County, and LCSWMA as provided in §20-206.3 of this Part shall be permitted.

3. *Recycling.* Nothing herein shall be deemed to prohibit source separation or recycling or to affect any sites at which source separation or recycling may take place.
(*Ord. 138, 1/6/1987, §3*)

§20-204. Regulations.

1. *Compliance with County and LCSWMA Regulations.* The collection, transportation and disposal of municipal waste present or generated within the Municipality shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the County pursuant to its Waste Flow Ordinance and such rules and regulations as may be adopted by LCSWMA pursuant to 53 P.S. §314², as hereafter amended, including, without limitation, regulations governing applications and standards for licensing, fees to be charged for such licensing, the terms of licenses, procedures, record-keeping, transportation routes and other matters.

2. *County Authorization to Adopt Regulations.* Rules and regulations adopted by the County pursuant to the parallel County Waste Flow Ordinance to be adopted pursuant to the intermunicipal agreement, described in §20-211 hereof, shall be deemed rules and regulations adopted under this Part and the County is hereby authorized to

the effect of the prior section without change in substance.

²Editor's Note: "53 P.S. §314" refers to the codification of §11 of the Municipality Authorities Act of 1945, as amended by the Act of June 12, 1947, P.L. 571, §1, relating to acquisition of lands, water and water rights by municipal authorities incorporated under the Municipality Authorities Act of 1945. The Municipality Authorities Act of 1945 has been repealed and replaced by the Municipality Authorities Act, the Act of June 19, 2001, P.L. 287, No. 22, §1 *et seq.*, 53 Pa.C.S.A. §5601 *et seq.*, which continues the effect of the prior section without change in substance.

adopt such rules and regulations.

3. *Consistency of Regulations with Ordinance and Other Laws.* No rules or regulations adopted pursuant to this Part shall be contrary to or less stringent than the provisions of this Part, the Plan, the County Waste Flow Ordinance, the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, or regulations adopted thereunder, or such other laws, regulations or requirements as may be enacted by the United States of America, the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Protection or the Pennsylvania Environmental Quality Board governing municipal waste planning, collection, storage, transportation, processing or disposal.

(*Ord. 138, 1/6/1987, §4; as amended by Ord. 205, 6/5/2007*)

§20-205. Existing Contracts.

1. *Noninterference with Existing Contracts.* Nothing contained in this Part shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Municipality on the effective date of this Part.

2. *New Contracts and Renewals of Existing Contracts.* No renewal of any existing contract upon the expiration of the original term thereof and no new contract for municipal waste collection, transportation, processing or disposal shall be entered into after the effective date of this Part, unless such renewal or such contract shall conform to the requirements of this Part, the County Waste Flow Ordinance, rules and regulations promulgated thereunder, and the terms of licenses issued thereunder.

(*Ord. 138, 1/6/1987, §5*)

§20-206. New or Expanded Private Dumps, Transfer Stations and Landfills Prohibited; Continuation of Existing Facilities.

1. *Prohibition of Private Waste Processing and Disposal Facilities.* No person other than LCSWMA, the United States of America, the Commonwealth of Pennsylvania, a County, a Municipality, an authority created by the foregoing, or a person acting on behalf of the foregoing shall use or permit to be used any property owned or occupied by that person within the Municipality as a municipal waste processing or disposal facility, either for municipal waste generated within the Municipality or elsewhere, without the express written approval of the Municipality, the County and LCSWMA.

2. *Recycling.* The prohibition set forth in subsection .1 of this Section shall not interfere with the operation of any program for recycling.

3. *Existing Facilities.* The prohibition set forth in subsection .1 of this Section shall not interfere with the operation of any privately or publicly owned solid waste facility which has been issued a solid waste permit before the effective date of this Part, provided:

A. The owner or operator of the facility provides written notice to the County and the Municipality of the facility permit number, address, ownership and existing sources of waste no later than 60 days after the effective date of this Part.

B. The facility accepts regulated municipal waste from no sources within the County other than those then authorized by the facility's solid waste permit and

then being accepted, as reflected on the notice provided the County and Municipality pursuant to this Section.

C. The facility shall not be expanded in capacity, with the exception of facilities owned or operated by or on behalf of another county, which facilities may expand if such expansion is consistent with a DEP approved municipal waste management plan. [Ord. 205]

D. Notices under this Section shall be submitted to _____ on behalf of the Municipality. The County may by resolution designate LCSWMA or another authority or agency as the entity which will receive notice pursuant to this Section.

(Ord. 138, 1/6/1987, §6; as amended by Ord. 205, 6/5/2007)

§20-207. Unlawful Activities; Nuisance.

1. *Unlawful Conduct.* It shall be unlawful for any person to:

A. Accumulate or cause to be accumulated municipal waste in an amount greater than 20 tons, other than waste which has been source separated for the purpose of recycling.

B. Violate, cause or assist in the violation of any provision of this Part, any rule, regulation or order promulgated hereunder, or any rule, regulation or order promulgated by LCSWMA or the County consistent with this Part.

C. Process, treat, transfer, or dispose of or cause to be processed, treated, transferred or disposed regulated municipal waste generated within the Municipality at any solid waste facility other than a solid waste facility owned or operated by or on behalf of the County or LCSWMA or at an existing solid waste facility as permitted by §20-206.3 of this Part, without the express written consent of any Municipality within which the facility is located, the County, and LCSWMA.

D. Collect or transport municipal waste present or generated within the County without a valid license for disposal issued by LCSWMA.

E. Hinder, obstruct, prevent or interfere with the Municipality, the County, LCSWMA or their personnel in the performance of any duty under this Part or in the enforcement of this Part.

F. Act in a manner that is contrary to Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, regulations promulgated thereunder, the Plan, this Part, the County ordinance, rules or regulations promulgated thereunder, or the terms of licenses issued thereunder.

2. *Public Nuisance.* Any unlawful conduct set forth in subsection .1 hereof shall constitute a public nuisance.

(Ord. 138, 1/6/1987, §7)

§20-208. Penalties.

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 less than \$150 nor 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 or each Section of this Part which shall be found to have been violated shall constitute

a separate offense.

(*Ord. 138, 1/6/1987, §8; as amended by Ord. 205, 6/5/2007*)

§20-209. Revocation of License.

Upon finding that any person has engaged in unlawful conduct as defined in this Part, (A) LCSWMA, the Municipality, or the County may revoke any license issued by LCSWMA to that person in accordance with §20-202 of this Part and (B) LCSWMA may deny any subsequent application by that person for a license pursuant to §20-202 hereof.

(*Ord. 138, 1/6/1987, §9*)

§20-210. Injunctions; Concurrent Remedies.

1. *Restraining Violations.* In addition to any other remedy provided in this Part, the Municipality, the County or LCSWMA may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Part for an injunction to restrain a violation of this Part or rules, regulations, orders or the terms of licenses promulgated or issued pursuant to this Part. In addition to an injunction, the court may impose penalties as authorized by §20-208 hereof and revoke any licenses as authorized by §20-209 hereof.

2. *Concurrent Remedies.* The penalties and remedies prescribed by this Part shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Municipality, the County or LCSWMA from exercising any other remedy provided by this Part or otherwise provided at law or equity.

(*Ord. 138, 1/6/1987, §10*)

§20-211. Intermunicipal Agreement.

1. *Entry into Intermunicipal Agreement.* In order to implement the intent and terms of this Part, the Municipality, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180, 53 P.S. §481 *et seq.*, and Article IX, §5, of the Constitution of the Commonwealth of Pennsylvania, hereby enters into the intermunicipal joint cooperation agreement between this Municipality, the County, and other municipalities within the County of Lancaster, which is attached hereto as Exhibit "A"³ and incorporated herein, together with such changes consistent with this Part, if any, as may be approved by the officials of the parties executing the same, such execution to be conclusive evidence of such approval ("intermunicipal agreement").

2. *Terms and Implementation of Intermunicipal Agreement.* As more fully set forth in the intermunicipal agreement and this Part:

A. *Conditions and Terms of Agreement.* In the agreement:

(1) The County agrees (a) to arrange for the provision of municipal waste disposal facilities for the economical and environmentally sound disposal of municipal waste generated within the participating Municipalities, (b) to coordinate recycling activities and marketing and (c) to assure continuing

³Editor's Note: The intermunicipal joint cooperation agreement is on file in the Borough office.

municipal waste planning for the County and the participating Municipalities by entering into an agreement with LCSWMA.

(2) The County and participating municipalities representing, in the aggregate, not less than 60 percent of the population of the County each agree to enact a waste flow ordinance in a form substantially similar to this Part and to assure otherwise that all acceptable municipal solid waste be delivered to the County system.

(3) The County agrees (a) to enact rules and regulations, (b) to cause LCSWMA to enact additional rules and regulations and to administer a licensing program, and (c) to enforce this Part and the parallel Municipal and County waste flow ordinances.

(4) The County agrees to assure reasonable solid waste disposal fees for residents of the participating Municipalities.

(5) The parties agree to cooperate in the joint enforcement of the intermunicipal agreement and all ordinances enacted pursuant to the intermunicipal agreement and this Municipality thereby agrees cooperatively to exercise, to delegate to the County, and to allow delegation of such powers, duties and responsibilities as set forth in the intermunicipal agreement.

B. Duration of Term of the Agreement. The term of the intermunicipal agreement shall commence upon the date on which the County and other municipalities representing at least 60 percent of the population of the County have executed the intermunicipal agreement and shall terminate 40 years following that date, unless terminated earlier for cause.

C. Purpose and Objectives of Agreement. The purpose of the intermunicipal agreement is to provide a mechanism (1) to finance, to construct and to operate a municipal waste disposal system to serve this Municipality and other municipalities within the County, (2) to administer a Countywide recycling program, and (3) to provide continuing municipal waste planning, as more fully set forth in the recitals to the intermunicipal agreement and this Part.

D. Manner and Extent of Financing the Agreement. Enforcement of this Part shall be financed by the County's general revenues, except insofar as the Municipality elects to enforce this Part; administration of this Part the recycling program and planning shall be financed by LCSWMA with revenues received from operation of the County system; and construction and operation of the County system shall be financed by debt instruments issued by LCSWMA and operating revenues.

E. Organizational Structure Necessary to Implement the Agreement. LCSWMA shall be formed from LARA by amendment of LARA's articles of Incorporation; LCSWMA shall (1) construct and operate or arrange for the construction and operation of the County system and (2) administer and enforce this Part and parallel ordinances adopted by the County and other municipalities pursuant to the intermunicipal agreement; and the County and the Municipality shall enforce said waste flow ordinances with assistance from LCSWMA.

F. Management and Acquisition of Property. All property within the County system shall be acquired, managed and disposed of by LCSWMA, in accordance with its separate agreement with the County and the powers and duties imposed

upon LCSWMA by law.

3. *Execution.* Appropriate officers of the Municipality are authorized and directed to execute the intermunicipal agreement on behalf of the Municipality.

(*Ord. 138, 1/6/1987, §11*)

§20-212. County/LCSWMA Operations and Charges.

The Municipality has been advised by the County that the plan proposes to provide for solid waste processing and disposal facilities which will be operated efficiently and economically by LCSWMA and in accordance with all applicable laws and regulations, and also that LCSWMA will impose reasonable charges, which will be uniform among all classes of the users of the plant or plants from participating Municipalities which execute the intermunicipal agreement within 90 days of the date upon which DEP grants preliminary approval to the plan. Charges may differ for different categories of waste and for different points of entry into the system.

(*Ord. 138, 1/6/1987, §12; as amended by Ord. 205, 6/5/2007*)

§20-213. Construction.

The terms and provisions of this Part are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Part shall be construed in *pari materia* with the Act of July 7, 1980, P.L. 380, No. 97, known as the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

(*Ord. 138, 1/6/1987, §13*)