

Chapter _____: SOLID WASTE

MUNICIPAL SOLID WASTE ORDINANCE

BENNER TOWNSHIP ORDINANCE NO.

145

ARTICLE I Solid Waste Management

§ _____-1. Short title.

This article shall be known as the "Benner Township Municipal Solid Waste Ordinance."

§ _____-2. Purpose.

- A. It is the intent and purpose of this article to promote the public health, safety and welfare and to eliminate public health hazards, environmental pollution and economic loss by providing that all residential, commercial, industrial and institutional municipal solid waste accumulated or stored upon any property within the Municipality shall be collected, transported and disposed of within the following conditions:
- (1) All residential properties shall be served by the Municipality's contracted hauler.
 - (2) All non-residential properties not subject to the Municipality's contract shall have contracted waste service with a hauler.
 - (3) All municipal solid waste shall be disposed of at an approved facility, in accordance with the Centre County Solid Waste Management Plan, as well as municipal, state, federal and county laws and ordinances.
- B. These conditions are established to assure Municipality compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, (P.L. 528, No. 101), "Pennsylvania Act 101". Editor's Note: See 53 P.S. § 4000.101 et seq.

§ _____-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BULK WASTE — All waste materials too large for collection in ordinary containers. Examples of bulk waste include furniture, carpeting and similar items. Bulk waste shall not consist of any items that may be packaged and disposed of using regular trash collection procedures.

BULK RECYCLABLES: the collection and separation of recyclable materials including white goods, waste tires, and covered device electronics in compliance with Pennsylvania Acts 1996- 190 and 2009-108. Editor's Note: See 35 P.S. § 6029.101 et seq. and 35 P.S. § 6031.101 et seq.

COMMERCIAL — Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. Multifamily dwelling units, manufactured 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. Construction, renovation, and demolition, whether the final site use is residential, commercial, institutional or industrial, shall be considered commercial sites for the purposes of this Article. Does not include properties where the primary permitted use is residential and accessory use is commercial (i.e., home occupations).

COMMUNITY ACTIVITIES – events sponsored in whole or in part by the Township or held within the Township and sponsored privately on any streets, alleys, sidewalks, rights-of-way, parks, parking lots, or in buildings other than private homes with an anticipated daily attendance of 200 or more persons.

CONSTRUCTION AND DEMOLITION WASTE — Lumber, roofing material, sheathing, rubble, broken concrete, macadam, plaster, brick, conduit, pipe, insulation and other material which results from a construction, demolition or remodeling process.

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

DESIGNATED AGENT — An agent such as the Centre Region Council of Governments acting on behalf of a municipality whose powers and responsibilities are established in an intergovernmental agreement or similar document.

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. Each dwelling unit within a non-commercial building shall be considered an individual residential customer served by curbside refuse and recycling collection.

EXCLUSIVE CONTRACT — An agreement entered into by Benner Township, or its designated agent, with a private person or corporation for the collection and disposal of all municipal waste generated within the boundaries of the Municipality to the extent provided by this article and the agreement.

FARM — A single parcel of land of at least 10 acres, which is used for normal agricultural purposes, including barns, greenhouses and not more than three single-family dwelling units.

HAULER — a person who collects, transports and/or disposes of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial and institutional establishments or community activities. The term may be applied to a person having the exclusive right to collect within the Municipality. All such haulers shall comply with the provisions under the Pennsylvania Waste Transportation Safety Act (Act 90), as well as all Federal, State, County and local laws, rules and regulations.

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.

LEAF WASTE — Leaves, garden residue, shrubbery and tree trimmings, and similar material but not including grass clippings in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, (P.L. 528, No. 101), "Pennsylvania Act 101". Editor's Note: See 53 P.S. § 4000.101 et seq.

MULTIFAMILY DWELLING UNIT — A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains five or more dwelling units.

MUNICIPALITY -- A political unit, such as a city, town, or village, incorporated for local self- government.

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 from a municipal, commercial, industrial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility (Pennsylvania Act 101, Section 103). Editor's Note: See 53 P.S. § 4000.103.

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.

RECYCLABLES — the collection and separation of aluminum, steel, and bimetal cans; green, brown, blue, and clear glass; newsprint and bundles of magazines; unwanted mail; mixed office paper; paperboard; all plastic bottles (1 through 7); domestic corrugated cardboard; empty aerosol and paint cans; and any other materials per section 1501 of State Act 101 (Editor's note: See 53 P.S. § 4000.1501) or added as material accepted by the Centre County Recycling and Refuse Authority (CCRRA) from time to time.

REFUSE — All municipal solid waste which is regulated by State Act 101 and the Centre County Solid Waste Authority, except the following categories of solid waste:

- A. Bulk recyclables, including tires, appliances, and covered device electronics as defined in State Act 2009-108.
- B. Construction/demolition waste
- C. Sludge
- D. Infectious/pathological waste
- E. Ash residue
- F. Friable asbestos waste
- G. Source separated recyclable materials
- H. Household hazardous waste
- I. Oversized refuse items
- J. Grass clippings
- K. Leaf waste
- L. Unacceptable waste

RESIDENTIAL PROPERTY — A "Dwelling unit" under single ownership or organized as a condominium or cooperative form of housing, which contains 1, 2, 3 or 4 dwelling units.

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 shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." Editor's Note: See 52 P.S. § 30.51 et seq. The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law" (Pennsylvania Act 101, Section 103). Editor's Note: See 35 P.S. § 690.1 et seq.

TOWNSHIP — The governmental jurisdiction and legal entity of the Township of Benner, Centre County, Pennsylvania.

UNACCEPTABLE WASTE — The following categories of solid waste:

- A. Hazardous waste
- B. Residual waste
- C. Unsterilized or unprocessed infectious or pathological waste
- D. Chemotherapeutic waste
- E. Gas cylinders
- F. Explosives and ordnance materials
- G. Liquid waste (i.e. containing less than 20% solids by weight or flowable)
- H. Drums, barrels and buckets unless lids have been removed and interiors cleaned and free of any residue
- I. Radioactive materials
- J. Any solid waste generated outside of the Municipality

§ ____-4. Maintenance of containers.

It shall be the duty of every person owning a residential, commercial, industrial or institutional property within the Municipality where municipal solid waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this article, to provide and keep at all times a sufficient number of containers to hold all municipal solid waste accumulated between intervals of collection of such waste by a hauler; and to ensure the sanitary and legal disposal of such waste in accordance with this article and all other municipal, state and federal applicable laws and regulations.

§ ____-5. Storage on residential properties.

- A. All refuse shall be placed in carts provided by the municipal contract hauler for collection. All food scraps and cold ashes shall be drained of liquid and placed in bags which are then tied or sealed closed and then placed for collection in the cart. All other refuse and small bulk items shall be placed in the cart. Lids must be closed on the carts to prevent the disturbance or scattering of materials by pests. Use of bulk containers at multifamily establishments shall comply with the provisions of § xxx-6A below.
- B. It shall be the responsibility of each customer to keep all refuse receptacles in sanitary condition and to report any damage or needed repairs to the municipal contract hauler.

- C. A sufficient number of refuse carts for weekly refuse shall be provided by the customer of the premises. No container shall be so filled that the lid will not fit tightly. Additional carts, excess bagged refuse, or items next to the cart may incur additional fees. The total weight of cart contents shall comply with the following:

95-gallon cart < 200 pounds

65-gallon cart < 120 pounds

35-gallon carts < 70 pounds

- D. Location of containers. For residential properties with curbside collection, each refuse cart shall be placed for collection so as to be accessible to the hauler at ground level and at a point no more than two (2) feet behind the curblane of the street, or within no more than two (2) feet of the cartway of the street or alley from which the collection with a vehicle is made if there is no curbing, or at a location mutually agreeable between the resident, the Municipality and the hauler. Additional carts or excess bags, if used, shall be placed adjacent to each other, parallel to the curb, and distanced at least three (3) feet apart. Refuse carts shall be at least three (3) feet from any obstruction or container.

Failure to place containers at such locations may result in refuse not being collected. Location of bulk containers at multifamily dwelling units shall be in accordance with § xxx- 6B below.

- E. The Township may grant exceptions to the placement of waste carts at the curbside when the Township has determined it is not physically possible or safe for the resident or vehicle traffic to place those items at the curbside. The Township will identify the alternative placement location.
- F. Refuse carts shall be placed at the curb or collection site no more than 24 hours before the day of collection and must be removed from the curb within 48 hours following the day of collection.
- G. Persons with physical disabilities (due to age, poor health, or as defined in the Americans with Disabilities Act) whose residence is included under the Municipality's exclusive contract may place refuse at other-than-street or alley locations at no additional charge when approved by the Township Manager or his/her designee.
- H. Hauler-provided waste cart(s) shall not be removed from the property to which the cart(s) was assigned or delivered by the Hauler.

§ ____-6. Storage on commercial, industrial and institutional properties and community activities.

- A. Containers. Storage of municipal solid waste on commercial, industrial and institutional properties shall be done in a dumpster for collection by a hauler. Commercial properties that generate less than 96-gallons of refuse per week may participate in the residential collection contract if agreed upon by the customer and

the hauler.

- B. Location of containers. Dumpsters for the storage and collection of municipal solid waste at commercial, industrial or institutional properties shall be placed, whenever possible, at ground level and at a point on the property being serviced by the hauler which will enable clear and easy access to the dumpster by the hauler's vehicle. The location on the customer's premises shall be at a place agreed upon by the customer of the commercial, industrial or institutional property and the hauler. This location and buffering, if required, shall be in compliance with zoning or other applicable municipal requirements for the location of such containers. Such locations shall not interfere with regular travel upon public or private sidewalks, walkways, driveways, roads, streets, highways, alleys or entrances and exits of public or private buildings.
- C. All property owners and/or organizers of community activities shall provide containers for the storage and collection of municipal waste and make proper arrangements for disposal.

§ ____-7. Collection of municipal solid waste.

- A. It shall be unlawful for any person other than persons defined herein to collect and/or transport municipal solid waste, which is generated within the Municipality, as a regular hauling business. The Municipality may decide to enter into an exclusive contract for residential and/or commercial refuse collection or any part thereof.

§ ____-8. Transportation of municipal solid waste.

- A. Any person transporting municipal solid waste within the Municipality shall prevent or remedy any spillage from vehicles or containers used in the transport of such municipal solid waste. The haulers shall collect municipal solid waste in vehicles which are suitable for such collection, which are dedicated for use in performance of such collection, and which bear prominent legible marking, signs, or decals identifying them as being municipal solid waste collection vehicles and stating the name and phone number of the hauler. The vehicles shall be securely covered, watertight, strongly built and kept thoroughly cleaned and well maintained. Except for roll-offs, open trucks or trucks covered with tarps will not be used for the collection of municipal solid waste. Open trucks may be used for the collection of bulk waste and bulk recyclables, provided that the truck is tarped.
- B. The Municipality, or its designated agent, shall have the authority to inspect the vehicles used for the transport of municipal solid waste as it deems necessary to determine compliance with this article or any other ordinance, resolution and/or regulation of the Municipality. The hauler shall correct deficiencies immediately upon notification by the Municipality or its designated agent, and said vehicle shall not be used for refuse collection until the deficiencies have been corrected.

§ ____-9. Disposal of municipal solid waste.

All municipal solid waste produced, collected and transported from within the jurisdictional limits of the Municipality shall be disposed of at the facilities designated in the Centre County Solid Waste Management Plan. Editor's Note: The county plan is on file in the county offices.

§ ____-10. Unlawful disposition of municipal solid waste.

It shall be unlawful for any person to bring any municipal solid waste into Benner Township or to transport municipal solid waste from one address to another within or outside of the Municipality for the purpose of taking advantage of the collection service of another residential or commercial property or to avoid the cost of collection.

§ ____-11. Bulk waste.

- A. Bulk waste shall be disposed of in accordance with the Centre County Solid Waste Management Plan at a permitted disposal facility, a facility especially designated by the Municipality to take such bulk items or a legitimate salvage dealer that is in the business of disposing or recycling such items. Editor's Note: The county plan is on file in the county offices. Bulk waste may be transported in a vehicle appropriate to the type of waste so as to prevent spillage, accidental loss, etc.
- B. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal solid waste from hauling his/her bulk waste to a permitted disposal facility or to a disposal facility as designated by the Municipality in accordance with the regulations of the disposal facility.

§ ____-12. Construction and demolition waste.

All waste materials resulting from the building, structural alteration, repair, construction or demolition of buildings or structures shall be disposed of as permitted by applicable Municipality, county, state and federal laws and regulations as may be in effect or as may be subsequently imposed. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal solid waste from hauling his/her construction and demolition waste to a state permitted disposal facility or to a disposal facility as designated by the Municipality in accordance with the regulations of the disposal facility.

§ ____-13. Exclusions.

- A. Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or spreading of manure or other farm produced agricultural waste, not otherwise prohibited or regulated for land applications. All such practices must be conducted in compliance with applicable municipal, state and federal laws and regulations as may be in effect or subsequently imposed.
- B. The provisions of this article do not apply to anything but the storage, collection, transportation and disposal of municipal solid waste and do not apply therefore to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable municipal, state and federal laws and regulations as may be in effect or subsequently imposed.
- C. Nothing in this ordinance shall be deemed to prevent a landowner or occupier from creating and maintaining a compost pile provided it is formed entirely from vegetative wastes, is maintained so as to be digested from aerobic bacteria only and in a manner which does not cause pollution and is in compliance with all other Municipal regulations. The Municipality may seek injunctive relief for compost piles not in compliance with this Article.

§ ____-14. Accumulation and dumping of refuse prohibited.

- A. For reasons of health and sanitation it shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of any general refuse, household furniture or items, hazardous waste or recyclables upon the surface of the ground, streets, sidewalks or alleys or underground, except in proper containers for purposes of storage and collection in conformance with this chapter. It shall be unlawful for any person to dump or deposit any municipal solid waste or hazardous waste of any kind in any stream or body of water within the Township.
- B. It shall be unlawful for any person to keep or suffer to remain on his premises, on any private property owned, leased or controlled by him, or in streets, sidewalks, and alleys directly adjacent to his property any accumulation or spillage of general refuse, household furniture or other materials, hazardous waste or recyclable material. Materials placed at the curb or roadway for collection shall not remain in place longer than 48 hours.

§ ____-15. Service fee required.

It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premises or place of business within the Municipality where municipal solid waste is generated to pay a service fee for the collection and disposal of this waste, except as

otherwise provided by this article, to a hauler, an exclusive contractor, or the Municipality. A hauler, exclusive contractor, or the Municipality may discontinue service for nonpayment of service fees by a residential, commercial, industrial or institutional establishment. To discontinue residential service, the customer shall be in arrears a minimum of 90 days and shall have received during this period a minimum of two notices from the hauler regarding the amount due and procedures for payment. At the time of the discontinuance of service, the customer shall be considered in violation of this article. Discontinuance of service due to nonpayment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this article. The Municipality, or its designated agent, hauler or exclusive contractor may impose an administrative fee to reinstate customers whose service is disconnected.

§ ____-16. Service charges.

The cost of such residential or commercial municipal solid waste collection service, and the responsibility for payment, shall be borne by the owner of the premises from which said municipal solid waste is collected or upon which premises said municipal solid waste is generated and disposed of. No agreement between an owner and occupant or other person shall relieve the owner of any premises from liability for payments as set forth hereinafter.

§ ____-17. Charges to be established by resolution.

All service fees established under an exclusive contract for the collection of municipal solid waste by the Municipality shall be established by a resolution of the Municipality Board of Supervisors. Service charges so established shall be reviewed at least annually and adjusted as necessary to ensure that all costs involved in the collection and disposal of municipal solid waste under the exclusive contract, including the administrative costs of the Municipality, or its designated agent, are covered by the service charges.

§ ____-18. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction by a District Justice or Court of Common Pleas of Centre County, be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Centre County Prison for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Every violator of the provisions of this article shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.

§ ____-19. Other remedies.

In addition to the foregoing penalty, the Municipality may require the owner of a property to remove any accumulation of waste as identified under § xxx-14, and should said person fail to remove such waste after five days following written notice, the Municipality may cause

the waste to be collected and disposed of with the cost for such action to be charged to the owner of the property. The Municipality may additionally seek injunctive relief through the District Magistrate or Court of Common Pleas of Centre County. Failure by the owner of the property to pay said charges within 30 days will result in a lien being filed against the property.

§ ____-20. Enforcement and administration.

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

ARTICLE II Recycling

§ ____-21. Short title.

This article shall be known as the "Benner Township Recycling Ordinance" and the same may be cited in that manner.

§ ____-22. Purpose.

The Township of Benner recognizing the 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 (No. 101), the Centre County Solid Waste Management Plan, Editor's Note: The county plan is on file in the county offices. and this article. This article is intended to be an integral part of an overall system designed to facilitate recycling and foster the cooperation of the residents.

§ ____-23. Definitions.

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

AUTHORITY — Centre County Recycling and Refuse Authority (CCRRA)

BULK RECYCLABLES: the collection and separation of recyclable materials including white goods, waste tires, and covered device electronics in compliance with Pennsylvania Acts 1996-190 and 2009-108. Editor's Note: See 35 P.S. § 6029.101 et seq. and 35 P.S. § 6031.101 et seq.

COMMERCIAL — Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. Multifamily dwelling units, manufactured 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. Construction, renovation, and demolition, whether the final site use is residential, commercial, institutional or industrial, shall be considered commercial sites for the purposes of this Article. Does not include properties where the primary permitted use is residential and accessory use is commercial (i.e., home occupations).

COMMUNITY ACTIVITIES — Events sponsored in whole or in part by the Township or held within the Township and sponsored privately on streets, alleys, sidewalks, rights-of-way, parks, parking lots, or in buildings other than private homes with an anticipated daily attendance of 200 or more persons.

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

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

DESIGNATED AGENT — An agent, such as the Centre Regional Council of Governments, act on behalf of the Municipality whose powers and responsibilities are established in an intergovernmental agreement or similar document.

DROP-OFF SITES — Those specified locations, staffed or unstaffed, where recyclable material May be taken at specified times.

DEWELLING 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. Each dwelling unit within a noncommercial building shall be considered an individual resident customer served by curbside refuse and recycling collection.

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

EXCLUSIVE CONTRACT — An agreement entered into by Benner Township, or its designated agent, with a private person or corporation for the collection and disposal of all municipal waste generated within the boundaries of the Municipality to the extent provided by this article and the agreement.

HAULER — a person who collects, transports and/or disposes of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial and institutional establishments or community activity. The term may be applied to a person having the exclusive right to collect within the Municipality. All such haulers shall comply with the provisions under State Act 90, as well as all Federal, State, County and local laws, rules and regulations.

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 — Includes, but not be limited to automotive, truck and industrial batteries that contain lead.

LEAF WASTE — Leaves, garden residue, shrubbery and tree trimmings, and similar material but not including grass clippings in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, (P.L. 528, No. 101), "Pennsylvania Act 101". Editor's Note: See 53 P.S. § 4000.101 et seq.

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municipal, commercial, industrial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facilities (Pennsylvania Act 101, Section 103).
Editor's Note: See 53 P.S. § 4000.103.

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RECYCLABLE MATERIALS — the collection and separation of aluminum, steel, and bimetal cans; green, brown, blue, and clear glass; newsprint and bundles of magazines; unwanted mail; mixed office paper; paperboard; all plastic bottles (1 through 7); domestic corrugated cardboard; empty aerosol and paint cans; and any other materials per section 1501 of State Act 101 (Editor's note: See 53 P.S. § 4000.1501), the Centre County Solid Waste Management Plan, or added as material accepted by the Centre County Recycling and Refuse Authority (CCRRA) from time to time.

RESIDENTIAL PROPERTY — A "Dwelling Unit" under single ownership or organized as a condominium or cooperative form of housing, which contains 1, 2, 3 or 4 dwelling units.

TOWNSHIP — The governmental jurisdiction and legal entity of the Township of Benner, Centre County, Pennsylvania.

§ ____-24. General provisions.

Those recyclable materials separated under the provisions of this article shall not be considered municipal waste and shall not be subject to the provisions of municipal ordinances which require disposal of municipal solid waste at the Centre County Recycling and Refuse Authority facilities by a hauler as defined herein.

§ ____-25. Recycling program established.

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

§ ____-26. Recycling at construction, renovation, and demolition sites.

- A. All persons engaged in construction, renovations, or demolition shall separate recyclable materials as identified in this Article from solid waste and place these in containers for collection by a hauler, deposit them in a recycling drop-off facility, or deliver recyclable materials to a materials recovery facility. Recyclable materials as defined herein mixed with waste in waste dumpsters shall be considered a violation of this Article.

- B. A construction, renovation, or demolition site of which the total impacted area exceeds 1,000 square feet shall:
- (1) Separate the following materials from other solid waste: ferrous and non-ferrous scrap metal, untreated wood and pallets, and corrugated cardboard, unless
 - a. doing so would pose a threat to public health and safety through exposure to carcinogens and other toxic substances including, but not limited to, lead, asbestos, fuel oils, gasoline, or;
 - b. the regulated recyclable material is attached to other material, including other regulated recyclable material, in a way that it is not reasonably possible to separate the regulated recyclable material into its constituent parts or from non-regulated recyclable material.
 - (2) Collect and store regulated materials in such a way so as to avoid contamination or degradation that renders them unrecyclable.
 - (3) Deliver or cause to be delivered those materials to a licensed material recovery facility permitted to recycle those materials or to a salvage or reuse operation or contractor.
 - (4) Be considered in violation of this article if regulated recyclable construction, renovation and demolition materials are mixed with other solid waste in waste dumpsters.

§ ____-27. Drop-off facilities.

Drop-off facilities may be sited for use by those residential and commercial properties located within Centre County, not serviced by a curbside route. Occupants of residential and commercial properties depositing recyclable materials at these facilities shall be responsible for the preparation, separation, and delivery to the drop-off facilities.

§ ____-28. Containers

- A. All recyclable material accumulated by owners of residential, commercial, industrial and institutional properties and/or occupants of said properties shall be placed in containers for collection by a hauler.
- B. It shall be the responsibility of each customer to keep all recycling receptacles in good repair and sanitary condition.
- C. More than one family or dwelling unit on the same premises may use the same containers but each family must pay the established rate as though a separate container is being used.
- D. Location of containers. For residential and commercial properties recycling containers shall be placed near refuse containers for collection. Pickup at alternate locations may occur in accordance with an agreement between the customer and hauler.
- E. All property owners and/or organizers of community activities shall establish a collection system at each property/event for the separation of recyclables and provide for its collection and transportation to a recycling facility.

§ ____-29. Recycling by hauler.

- A. All recyclable materials generated within the Municipality shall be collected by a hauler. A commercial, industrial and institutional establishment may utilize an individual recycling program in conformance with § xxx-30.
- B. The Municipality or its designated agent may, through a competitive bidding process, award an exclusive service contract for all or part of residential or commercial recycling collection.

§ ____-30. Individual recycling plan.

- A Commercial, industrial and institutional establishments conducting their own recycling programs, not in conjunction with a hauler or under an exclusive contract as may be established by the Municipality for the collection of municipal waste and recyclables, shall file with the Municipality or its designated agent and have approved by the Municipality or its designated agent, plans for individual recycling programs which provide for, at a minimum, the recycling of items established by municipal resolution for the recycling program.
- B In addition to filing an individual recycling plan, commercial, industrial and institutional establishments who choose to establish an individual recycling program are required to submit semiannually to the Municipality or its designated agent weigh slips or other certification which show by weight and type the material recycled by that establishment. Required information is due within 45 days of the end of the calendar year or an alternative reporting period designated in the regulations for the recycling program.
- C An individual recycling plan for commercial, industrial or institutional establishments shall provide the following information:
 - (1) Applicant's company name, address, telephone number, contact person and owner's name.
 - (2) Company name, address, telephone number, and contact person for entity providing the recycling service.
 - (3) Description of materials to be recycled, frequency of collection, method of storage and how service will be provided.
 - (4) Form of certification to assure proper disposal of recyclable materials.
 - (5) Municipality in which the establishment is located.
 - (6) Other information as may be required by the Municipality or its designated agent which is intended to assure the proper disposal of recyclable materials.

§ ____-31. Establishment of regulations.

The Municipality 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.

§ ____-32. Special items.

- A. Lead acid batteries. No person shall place a used lead acid battery in mixed municipal solid waste, 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.
- B. Leaf collection. All residential customers and commercial, industrial or institutional establishments who gather leaves, woody shrubbery or tree trimmings shall separate all such material from municipal solid waste and place it for collection at the times and in the manner theretofore or hereafter prescribed by the Municipality. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other agriculture, horticulture, silvicultural, gardening or landscape purposes.

§ ____-33. Collection by unauthorized persons.

It is understood that any recyclable materials located at the curblane are the property of the Municipality. It is further understood that any recyclable materials deposited in storage bins associated with commercial, industrial and institutional establishments belong to the property owner. Recyclable materials deposited in containers owned by the Centre County Recycling and Refuse Authority are the property of the Authority.

§ ____-34. Accumulation of recyclable prohibited.

For reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the Municipality, any of the types of recyclables defined within § xxx-23 of this article.

§ ____-35. Enforcement and administration.

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

§ ____-36. Alternative disposition of recyclable materials.

Any person may donate or sell recyclable materials to individuals or organizations. Otherwise, such materials are to be placed at curbside, in drop-off facilities or storage bins or similar authorized locations for collection by the exclusive contractor or hauler as applicable.

§ ____-37. Violations and penalties.

A. Nonparticipation.

- (1) Upon the discovery of any violation under the terms of this article, the Municipality 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 Municipality, or by leaving the same on the premises where such violation occurs.
- (2) Such person shall, within seven days after the delivery, mailing or leaving of such notice, make settlement by paying to the Treasurer of the Municipality a sum of not more than \$600 for the violation. The failure of such person to make a settlement, as aforesaid, within seven days, the Municipality may institute an action for violation pursuant to Subsection B.
- (3) Nothing contained in this section shall affect, in any way, the provisions of this article regarding separate offenses for every day any violation occurs.

B. 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 Municipality or its designated agent, or make a settlement as provided in Subsection A, that person shall, upon conviction before a District Justice of such violation, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Centre County Prison for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each violation shall constitute a separate offense.

- C. Unauthorized collection. If any person, firm, corporation or other entity unauthorized by the Municipality or its designated agent collects or removes or causes to be collected or removed any such recyclable materials as specified in the Benner Township regulations, or in violation of the provisions of this article, such person, firm, corporation or other entity shall, upon conviction by a District Justice in a summary proceeding, be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Centre County Prison for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day of a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a District Justice, and subject to a penalty imposed by this section for each and every such violation shall continue. The Municipality may additionally seek injunctive relief through the District Magistrate or Court of Common Pleas of Centre County.
- D. Pilfering of collection containers. If any person is responsible for pilfering of collection containers issued to a residence slated for either curbside collection or and other phase of the Benner Township Recycling Program, such person shall, upon conviction by a District Justice in a summary proceeding be subject to a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution, or imprisonment in the Centre County Prison for a period of not more than 30 days. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day of a violation shall constitute a separate and distinct offense and shall be subject to separate summary proceedings before a District Justice and subject to a penalty imposed by this article for each and every such violation shall continue. The affected resident will be responsible for replacing any missing container through purchase from the Municipality or its designated agent. The Municipality may additionally seek injunctive relief through the District Magistrate or Court of Common Pleas of Centre County.

§ ____-38. Severability

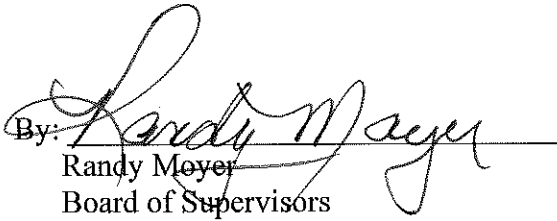
Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of this chapter shall not be affected thereby.

§ ____-39. Amendments.

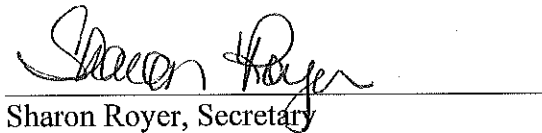
This chapter or any part thereof may be amended from time to time in accordance with the procedures as established by law.

DULY ENACTED AND ORDAINED, this 3rd day of March, 2025, by the Board of Supervisors of the Township of Benner, Centre County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF BENNER,
Centre County, Pennsylvania

By: 
Randy Moyer
Board of Supervisors

ATTEST:


Sharon Royer, Secretary

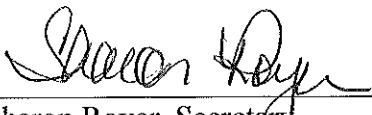
(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Benner, Centre County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of Ordinance No. 145 of the Board of Supervisors of the Township (the "Board of Supervisors") which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors at a meeting of the Board of Supervisors duly convened and held to law on March 3, 2025, at which meeting a quorum was present; said Ordinance duly has been recorded in the Ordinance Book of the Township; such Ordinance duly has been published as required by law; and such Ordinance remains in full force and effect, without amendment, alteration or repeal, as of the date of this certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of the Sunshine Act, 65 Ph.Cs. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 3rd day of March, 2025.



Sharon Royer, Secretary

(SEAL)