

TOWNSHIP OF UPPER MACUNGIE LEHIGH COUNTY, PENNSYLVANIA

Code of Ordinance, Chapter 20, Section 306 and 308

§306. Requirements for Commercial, Municipal or Institutional Establishments and Certain Apartments.

1. Commercial, municipal and institutional establishments as well as industrial establishments with lunch rooms or offices and apartment buildings containing more than four (4) units shall separate high-grade office paper, junk mail, magazines, aluminum, tin & steel/bi-metallic cans, 1 PETE and 2 HDPE plastic bottles, newspapers, glass, corrugated cardboard and leaf waste from their municipal waste and store these materials until collection. These establishments are responsible to provide their own recycling containers and make their own arrangements for collection of recyclables. All licensed food and drink establishments and retail food stores of greater than one thousand (1,000) square feet are required to recycle all food and beverage cans and glass.

2. Establishments subject to the requirements of §306 (1) shall report the tonnage of each material recycled during each calendar year. Such report shall be submitted on forms provided by the Township by February 1 following the close of each calendar year.

3. Pursuant to Act 101, §1501 (c) (iii), 53 P.S. §4000.1501 (c) (iii), persons occupying commercial, municipal, or institutional establishments shall be exempt from §306 (1) by meeting both of the following:

A. Providing for the recycling of all of the materials listed in this Section through some means other than herein provided.

B. Submitting an annual recycling report to the Township documenting the amount of municipal waste generated and the type and weight of each material that was recycled in the previous calendar year. Valid documentation shall include information from an end-use market, recycler, or waste hauler which describes the type and weight of each recyclable material that was collected and marketed.

(1) Copies of weight receipts or statements which consolidate such information.

(2) A report from the provider of recycling collection services which identifies that amount of each material collected and marketed. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its source-separated materials. Where recyclables from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of materials marketed for recycling purposes can be credited to an establishment.

(3) A report from the provider of waste collection services that identifies the type and weight of each recyclable material collected and marketed. In cases where recyclables are commingled with the establishment's waste, the type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. Where materials from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of materials marketed for recycling purposes can be credited to an establishment.

§308. Penalties.

- 1. It shall be unlawful for any person to violate or to cause to assist in the violation of any provision of this Part or any provision of the recycling regulations. Any person violating any of the provisions of this Part shall, upon conviction by a district magistrate, be subject to a fine not less than one hundred dollars (\$100.00) and not to exceed one thousand dollars (\$1,000.00) for subsequent offenses, together with the cost of prosecution and, in default thereof, to undergo imprisonment for a term not to exceed thirty (30) days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this Section for each and every day such separate offense continues.***

- 2. In addition to other remedies, the Township shall have the right to institute and maintain appropriate actions by law or in equity to restrain, correct or abate any violations of this Part, the recycling regulations or the municipal waste collection regulations.***

(Ord. 21-91, 12/5/1991, §2)