

ORDINANCE NO. 175

AN ORDINANCE: REGULATING MUNICIPAL WASTE DISPOSAL AND RECYCLING WITHIN THE TOWNSHIP; GRANTING TO A DESIGNATED HAULER THE EXCLUSIVE RIGHTS TO COLLECT, TRANSPORT AND DISPOSE OF MUNICIPAL WASTE AND RECYCLABLE MATERIALS FOR RESIDENTIAL CUSTOMERS; DESIGNATING THE DISPOSAL SITE FOR ALL MUNICIPAL WASTE GENERATED WITHIN THE TOWNSHIP; ESTABLISHING PROCEDURES FOR TOWNSHIP BILLING FOR MUNICIPAL WASTE COLLECTION AND RECYCLING SERVICES; MAKING RECYCLING OF CERTAIN ITEMS MANDATORY WITHIN THE TOWNSHIP; REGULATING THE COLLECTION AND DISPOSAL OF RECYCLABLES; ESTABLISHING A TOWNSHIP MUNICIPAL WASTE AND RECYCLING COORDINATOR; AND ESTABLISHING PROCEDURES AND PENALTIES FOR THE VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED, by the Township of Washington, Northampton County, Pennsylvania, through its Board of Supervisors assembled under and by virtue of the Act of May 1, 1933, P.L. 103, as amended, and by virtue of the Act 1988-101, 53 P.S. Section 4000.101 et seq., as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "Washington Township Municipal Waste Disposal and Recycling Ordinance."

SECTION 2. Intent and Purpose. It is the intent and purpose of this ordinance to:

A. Establish standards for the collection, transportation, and disposal of municipal waste and source separable, recyclable materials in accordance with the provisions and purposes of the Municipal Waste, Planning, Recycling and Waste Reduction Act (Act 1988-101, 53 P.S. Section 4000.101, et seq., hereinafter referred to as the "Act"), the Solid Waste Management Act (Act of July 7, 1980

P.L. 380, No. 97, 35 P.S. Section 6018.101, et seq.) and the regulations promulgated pursuant to said statutes.

B. Establish municipal waste recycling and disposal practices, reduce public health hazards, environmental pollution and economic loss.

C. Require that all municipal waste generated within Washington Township shall be disposed of or processed at a designated permanent facility, designated by the Township, in accordance with the Northampton County Solid Waste Plan.

D. Establish and maintain a comprehensive and sustained public information and education program concerning recycling programs, features and requirements, and encourage participation in such activity.

E. Grant one company the sole and exclusive right and license to collect, transport and dispose of municipal waste and source separable recyclable materials from designated residential customers in accordance with the Act, the Solid Waste Management Act, and regulations promulgated pursuant to said acts.

F. Otherwise promote the purposes and goals set forth in the Act.

SECTION 3. Definitions.

Bulky Waste: Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction

refuse, dead animals, hazardous waste with weights or volumes greater than those allowed for bins and containers, as the case may be.

Commercial Establishment: Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, farms, stores, markets, office buildings, restaurants, shopping centers, apartment buildings with four (4) or more units, theaters, churches, mobilehome parks, condominiums and townhouses, or a similar type of development. This does not include establishments which have agreed to the opt-in provisions of Section 15 below.

Contractor: The person executing the Contract with Washington Township for pick-up, transportation and disposal and/or recycling of municipal solid waste.

Disposal: Incineration, depositions, injection, dumping, spilling, leaking, or placing of Municipal Solid Waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is admitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Hazardous Waste: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be "Hazardous" as that term is defined by or pursuant to Federal or Pennsylvania Law.

Industrial Establishment: Any establishment engaged in the manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.

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

Mobilehome Park: A parcel of land under single ownership for the placement of mobilehomes to be used for non-transient dwelling purposes. Mobilehome parks will be considered commercial establishments.

Municipal Waste: Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous material 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 institutional water supply treatment plant, wastewater treatment plant or air pollution control facility (Pennsylvania Solid Waste Management Act 97, Sec. 103).

Recyclable Waste: Refuse utilized or marketed for reuse or reprocessing rather than disposed of in a disposal site.

Refuse: The collective term applying to all garbage, rubbish, recyclable waste, ashes, and grass trimmings from residential, municipal, commercial, industrial or institutional premises and construction and demolition refuse.

Residential Customer: Any person generating municipal waste from a Residential Establishment located within Washington Township.

Residential Establishment: Any premises in Washington Township utilized primarily as a residential dwelling unit, but excluding apartment buildings containing four (4) or more units, condominiums and townhouses or a similar type of development. This includes establishments which have agreed to the opt-in provisions of Section 15 below.

Township: The Township of Washington, a Second-Class Township, located in Northampton County, Pennsylvania.

Transportation: The off-site delivery of any Municipal Waste generated at any time from the Township.

Yard Waste: Tree limbs, bushes, shrubs, grass trimmings and other plant waste generated by residential, municipal, commercial, industrial or institutional establishments.

SECTION 4. Exclusive Right for Collection, Transportation and Disposal of Municipal Waste and Recyclables.

A. The Township hereby grants to Grand Central Sanitation, Inc., of 1963 Pen Argyl Road, Pen Argyl, Pennsylvania, (hereinafter called the "Contractor") the sole and exclusive right and license for the collection, transportation and disposal of Municipal Waste (including Yard Waste) and recyclable materials in accordance with the Act, the Solid Waste Management Act and regulations promulgated

pursuant to said Act. The Township and Contractor have entered into a Contract setting forth in detail the duties and responsibilities of the parties in connection with said work. Commercial, Industrial, Institutional Establishments and Educational Institutions are not included in the Contract or in the grant of franchise.

B. Except for Contractor, no person shall be permitted to collect or transport the municipal waste or recyclables of any other person who is a residential customer subject to the Township's grant of franchise.

C. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to the disposal facility or facilities designated in this ordinance.

D. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting or spreading of manure or other farm-produced agricultural waste.

E. The provisions of this ordinance apply only to the collection, transportation and disposal of municipal waste and recyclables and do not apply, therefore, to hazardous, residual, infectious or chemotherapeutic wastes which are defined and controlled by regulations of the Pennsylvania Department of Environmental Resources.

SECTION 5. Designated Disposal Site. All municipal waste generated within the Township of Washington shall be disposed of at the Grand Central Sanitary Landfill, located at 1963 Pen Argyl Road, Pen Argyl, Northampton County, Pennsylvania.

SECTION 6. Billing Procedures.

A. All persons provided with weekly municipal waste collection and biweekly recycling services by Contractor pursuant to the Contract between Contractor and Township shall be responsible for payment of municipal waste and recycling bills to Township.

B. Billing procedures, charges for said services and enforcement procedures, including penalties and interest for late payment, shall be as established from time to time by resolution of the Washington Township Board of Supervisors. Any rate changes shall be effective prospectively.

C. In the event any municipal waste and recycling bill shall remain overdue for a period in excess of thirty (30) days, then, in addition to any other enforcement remedies, the Township shall have the right to direct the Contractor to discontinue municipal waste collection and recycling service to said customer. When satisfactory arrangements are made for payment of said overdue bill, then the Township shall give written notice to the Contractor to resume municipal waste and recycling services for said customer.

SECTION 7. Storage. All municipal waste accumulated by the owners or occupants of each residential property or establishment shall be placed in containers for collection. The containers shall be located so as to be accessible to the collector at ground level and at a point of the curb line of the street or within ten (10) feet of the public street or alley curb line from which collection is to be made. Containers shall be placed out for collection not earlier than 6 p.m. on the day prior to the scheduled collection. The size of each container shall be twenty (20) gallons or smaller, and no container shall weigh more than fifty (50) pounds.

SECTION 8. Solid Waste Regulations. The Township Board of Supervisors shall have the right to adopt resolutions establishing regulations to effectuate and clarify the municipal waste disposal provisions of this Ordinance. These regulations shall have the full force and effect as though they were set forth in full in this Ordinance.

SECTION 9. Establishment of a Collection Program for Recyclables.

A. (1) Residential Customers shall separate specified materials from their municipal waste and recycle such materials. The materials to be recycled may include but may not be limited to clear glass, colored glass, aluminum, steel and bimetallic cans, newspaper, and plastics.

(2) The frequency of collection of these recyclables and leaf waste will be specified by the regulations to this ordinance.

(3) These recyclable materials shall be separated from the main trash stream by all Residential Customers until the materials are collected, taken to a drop-off center or otherwise distributed for recycling.

B. (1) The owner, landlord or agent of any owner or landlord of multifamily rental housing properties with four (4) or more units may establish a collection system for recyclable materials at each property. The materials to be recycled may include, but not be limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, newspaper, and plastics. The specific types of materials to be recycled shall be set forth in regulations to be adopted by the Board of Supervisors. The collection system shall include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. The owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four (4) or more units, shall also make arrangements for the materials to be collected or transported for recycling. Owners, landlords and agents of owners or landlords who comply with the Act shall not be liable for the noncompliance of occupants of their buildings.

(2) The owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four (4) or more units shall annually provide the Township Municipal Waste and Recycling Coordinator with written documentation of the total number of tons of material recycled.

C. (1) Commercial, municipal, industrial or institutional establishments and community activities generating, aluminum, steel, or other additional recyclable items as may be designated by the Township shall be responsible for recycling all of said items.

(2) A representative of each commercial, municipal, industrial and institutional establishment shall annually provide the Township Municipal Waste and Recycling Coordinator with written documentation as to the total number of tons of material recycled.

D. Under the Act, the Pennsylvania Department of Environmental Resources, with the Pennsylvania Department of Education, has responsibility for developing guidelines for source separation and collection of recyclable materials and for waste reduction in primary and secondary schools, colleges and universities, whether the schools, colleges and universities are public or nonpublic. Once these guidelines are developed, the Department of Education is responsible to distribute these guidelines and encourage their implementation.

SECTION 10. Preparation of Designated Recyclables.

All recyclables for curbside collection shall be prepared in accordance with the specifications established in the Township recycling regulations.

SECTION 11. Recycling Regulations.

The Board of Supervisors may from time to time adopt a resolution establishing regulations concerning the recycling program for the Township. These regulations shall have the full force and effect as though they were set forth in full in this Ordinance.

SECTION 12. Municipal Waste and Recycling Coordinator.

The Board of Supervisors of Washington Township shall appoint a Township Official to serve as the Municipal Waste and Recycling Coordinator. Said official shall have the responsibility to coordinate the township municipal waste and recycling program. The Municipal Waste and Recycling Coordinator shall also prepare any necessary revisions to the municipal waste and recycling regulations, for review and approval by the Board of Supervisors. The Municipal Waste and Recycling Coordinator shall also receive and submit the proper reports indicating the quantity of materials recycled as required by this Ordinance, the municipal waste and recycling regulations, and the Act.

SECTION 13. Ownership of Recyclables.

A. Title to municipal waste and recyclables shall pass to the Contractor when placed in the Contractor's collection vehicle, or when removed by the Contractor from a customer's premises, whichever occurs first.

B. Nothing in this Ordinance shall prohibit any person from donating and transporting any recyclables to any drop-off centers established for the benefit of non-profit community organizations.

SECTION 14. Ownership of Recycling Containers. The recycling containers provided by the municipality to the residents of the Township shall remain the property of the municipality. It shall be a violation of this Ordinance for any person to damage, misappropriate, or use for any purpose other than for recycling, the containers owned by the municipality. Each such action in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION 15. Opt-In Procedures. The owner of an apartment with four (4) or more units, or the association or other entity operating a condominium, townhouse complex or similar type of development may apply to be served by the Contractor given the exclusive right for collection, transportation and disposal of Municipal Waste and recyclables from Residential Establishments as provided in Section 4.

An approval shall be submitted to the Township Municipal Waste and

Recycling Coordinator, who shall determine whether the establishment is qualified to opt into the program, based upon criteria set forth in regulations as may from time to time be adopted by the Township Board of Supervisors. In the event that the establishment is allowed to opt-in, then establishment is subject to all provisions of ordinance and all rules and regulations as if it was a Residential Establishment.

SECTION 16. Unlawful Activities.

A. It shall be unlawful for any person to violate any provision of this ordinance or any provisions of the regulations adopted pursuant to this ordinance.

B. No person shall scavenge, remove, take, scatter or disturb recyclable materials which have been placed by another person at the curbside for collection by an authorized collector pursuant to the curbside collection program, or deposited at a drop-off center.

C. No person shall transport or deposit any Municipal Waste, Recyclable Waste or any other waste for collection by Contractor as part of the exclusive franchise contract unless said waste is generated by a Residential Customer subject to the municipal waste and recycling bills described in Section 6 above.

SECTION 17. Non-Interference with Existing Contracts. Nothing contained in this ordinance or its regulations shall be construed to interfere with or in any way modify the provisions of any existing

{ contracts which are in force in the Township on the effective date of this ordinance.

SECTION 18. Enforcement.

A. Any person violating a provision of this Ordinance or a regulation adopted hereunder shall, upon conviction by a District Magistrate, be subject to a fine of not less than \$100.00 and not more than \$300.00 for each provision violated, together with costs of prosecution. Each day that a violation continues shall be deemed a separate offense. All fines collected shall be paid to the Township Treasury.

{ B. 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 ordinance or regulations adopted pursuant to this ordinance.

SECTION 19. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance or its regulations be declared unconstitutional or invalid for any reason, the remainder of this ordinance and its regulations shall not be affected thereby.

SECTION 20. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 21. Effective Date. This Ordinance shall be effective
on JUNE 17, 1991.

ENACTED this 12th day of JUNE, 1991.

ATTEST:

WASHINGTON TOWNSHIP

Barbara J. Hallet
Barbara J. Hallet, Secretary
Washington Twp. Board of
Supervisors

By Ignatz Klausz, Jr.,
Ignatz Klausz, Jr., Chairman
Washington Twp. Board of
Supervisors

Clayton Rutt
Clayton Rutt, Supervisor

David J. Hess
David Hess, Supervisor