

WASHINGTON TOWNSHIP  
MUNICIPAL WASTE DISPOSAL AND  
RECYCLING ORDINANCE  
ORDINANCE NO.278

AN ORDINANCE REGULATING MUNICIPAL WASTE DISPOSAL AND RECYCLING WITHIN THE TOWNSHIP OF WASHINGTON, NORTHAMPTON COUNTY, PENNSYLVANIA; GRANTING A DESIGNATED HAULER THE EXCLUSIVE RIGHTS TO COLLECT, TRANSPORT AND DISPOSE OF MUNICIPAL WASTE AND RECYCLABLE MATERIALS FOR RESIDENTIAL CUSTOMERS; ESTABLISHING PROCEDURES FOR BILLING FOR MUNICIPAL WASTE COLLECTION AND RECYCLING SERVICES; MAKING RECYCLING OF CERTAIN ITEMS MANDATORY WITHIN THE TOWNSHIP OF WASHINGTON; 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 purpose 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 DEP approved permanent facility, 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 by awarding a contract to collect, transport and dispose of residential municipal waste and source separable recyclable materials from designated 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.**

**Bulk Waste** – Includes but not limited to items such as furniture, mattresses, storm sashes, screens, carpets, white goods (Freon free) and other household waste material from a residential source other than construction debris or hazardous waste, with a weight or volume greater than allowed. (also see White Goods)

**Commercial Establishment** – Any establishment engaged in a non-manufacturing or non-processing business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, buildings and/or properties with three (3) or more residential units, theaters, churches, mobile home parks, condominiums and townhouses, or similar types of development. This does not include establishments which have been authorized by the Board of Supervisors and have agreed to the opt-in provisions of Section 15 below.

**Construction Debris** – Waste building materials resulting from construction, remodeling, repair or demolition operations. Collection of demolition debris is limited to minor repairs. Minor construction debris is considered waste and will be picked up curbside and be included with the weekly trash pickup limits.

**Container** – A metal or plastic receptacle, or garbage bag, used for solid waste, yard waste and/or recyclable collection. Greater than 10 gallons but not more than the equivalent of a 35 gallon container.

**Contractor** – The person executing the Contract with Washington Township for pick-up, transportation, disposal and recycling of municipal waste.

**Curbside** – From any structure, the nearest point at the side of a municipal or State-maintained roadway, or a private roadway, provided the property owner(s) has/have issued a waiver for collection vehicles to travel along the roadway for collection.

**Disposal** – The depositing or placing of solid waste in accordance with any and all County, State and Federal regulations at the point of disposal.

**Excessive Waste** – When waste is piled above the rim of the container or on the ground beside the container(s), and/or if the number of bags and containers exceed the allowable limit.

**Hazardous Waste** – Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the Commonwealth to be “hazardous” as that term is defined by or pursuant to Federal or Commonwealth 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.

**Mobile Home Park** – A parcel of land under single ownership which has been planned for the placement of two (2) or more mobile homes for non transient residential use. Mobile Home Parks are considered commercial establishments.

**Multi-Family Dwelling** – A building containing three (3) or more dwelling units. Multi-family dwellings are considered commercial establishments.

**Recyclables** – Includes office and mixed paper, cardboard and flat board, newspapers including colored inserts, magazines, empty aerosol cans, telephone books, bi-metal and aluminum cans, clear glass, green and brown glass, glass bottles and jars, plastic materials and other items included in single stream recycling collection.

**Refuse** – Discarded materials in a solid or semi-liquid state, consisting of garbage, rubbish or a combination thereof.

**Residential Unit** – Any premise utilized primarily as a residential dwelling unit, including establishments which have been authorized and agreed to the opt-in provisions of Section 15 of this Ordinance. *Excluded from residential customer are multi-family dwellings, mobile home parks, condominiums and townhouses or similar types of development.*

**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.

**Waste** – Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material, resulting operation of a residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or designated hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

**White Goods** – All major appliances, such as washers, dryers, refrigerators, freezers, stoves, dishwashers, hot water tanks, trash compactors and other items of similar weight, material, size and nature. Any and all appliances must be Freon free.

**Yard Waste** – Weeds, leaves, (includes leaf waste) and other types of biodegradable materials and other mixtures of decayed or decaying organic material. This does not include grass clippings.

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

A. The Township and Contractor have entered into a Contract setting forth in detail the duties and responsibilities of the parties in connection with collection, transportation and disposal of Residential Municipal Waste and Recyclables. The Township grants the Contractor the sole and exclusive right for collection, transportation and disposal of Residential Municipal Waste and recyclable materials in accordance with the Act, the Solid Waste Management Act and regulations promulgated pursuant to said Act.

B. Except for the Contractor, no person shall be permitted to collect or transport the Residential Municipal Waste or Recyclables of any other person who is a 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 their own municipal waste on an irregular and unscheduled basis, to a DEP approved disposal facility or facilities, at their own expense.

D. Nothing contained herein shall be deemed to prohibit the residents to contract with a hauler of their choice or haul in their own vehicles periodic or extraordinary accumulation of municipal waste to an approved landfill site, subject to fees established by the disposal site operator, and providing they comply with health and other applicable governing regulations and restriction.

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

F. 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 Protection.

**SECTION 5. Frequency, Amount and Hours of Collection.**

A. Frequency and Amount

- (1) Residential Municipal Waste collected 1 time per week with a 5 container limit. Excessive waste is prohibited.
- (2) Residential Recyclables collected every other week with an unlimited amount.
- (3) Residential Bulk Waste collected 1 time per week with a limit of 1 item.

B. Hours of Collection

- (1) All Collections Monday through Friday shall be between the hours of 5:00 a.m. and 5:00 p.m.
- (2) All Collections on Saturdays shall be between the hours of 5:00 a.m. and 5:00 p.m.
- (3) There shall be no Sunday collections, unless approved by the Board of Supervisors.

**SECTION 6. Billing Procedures.**

A. All residential property owners and opt-in customers provided with weekly municipal waste collection and bi-weekly recycling collection services by the Contractor pursuant to the Contract between the Contractor and Washington Township shall be responsible for all bills for services provided.

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 upon adoption of the resolution.

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 Residential and opt-in Municipal Waste 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 Residential and opt-in Municipal Waste and Recycling services for said customer.

**SECTION 7. Storage and Placement**

A. All municipal waste and recycling accumulated by the owners or occupants of each property or establishment shall be placed in approved containers for collection, and stored in accordance with the Property Maintenance Code.

B. Residential and Opt-In Customers

(1) Containers may be thirty-five (35) gallons or smaller, and no container shall weigh more than forty (40#) pounds.

(2) Containers shall be placed 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 the collection is to be made.

(3) Containers shall not be placed at curb side earlier than 6:00 p.m. on the day before the scheduled collection.

**SECTION 8. Solid Waste Regulations.**

A. No propane tanks shall be placed for collection.

B. No dead animals shall be placed for collection.

C. No tires shall be placed for collection.

D. Rugs must be rolled and tied to a maximum of 4 foot lengths.

The Township Board of Supervisors shall have a 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. Recycling.**

A. Residential Customer and Opt-In Customers

(1) All residential customers and authorized opt-in customers shall separate specified recycling materials from their municipal waste. 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) These recyclable materials shall be separated from the main trash stream by all customers until the materials are collected, taken to a drop-off center or otherwise distributed for recycling.

**B. All Multi-Family, Mobile Home Park, Condominium, Townhouse or similar development, Commercial, Industrial and Institutional Establishments.**

(1) The owner, landlord or agent of any owner shall establish a collection system for recyclables materials at each property. 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. The collection system shall include suitable containers for storing, 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 any owner shall also make arrangements for the materials to be collected, transported and disposed of at a DEP approved disposal site. The owner, landlord or agent of any owner who comply with the ACT shall not be liable for the noncompliance of occupants of their buildings.

(2) The owner, landlord or agent of any owner shall annually provide the Township Municipal Waste and Recycling Coordinator with written documentation of the total number of tons of material recycled.

**C. Primary and Secondary Schools, Colleges and Universities.**

Under the Act, the Pennsylvania Department of Environmental Protection, with the Pennsylvania Department of Education, has the 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 they are public or non-public. Once the guidelines are developed, the Department of Education is responsible to distribute the guidelines and encourage their implementation.

**SECTION 10. Preparation of Recyclables.**

A. Empty contents of aerosol cans and remove the plastic lid, where possible.

B. Newspapers and magazines are to be tied in separate individual bundles.

C. Corrugated (cardboard) boxes are to be tied in bundles no larger than 2 foot by 3 foot. *(Do not include single layer wall boxes, wax coated, painted or oil contaminated boxes.)*

D. Polycoated paper containers with gable tops such as milk and/or juice cartons,

drink boxes are all recyclable.

E. Plastic jars and bottles/jugs such as soda (green and clear), milk, water, detergent, shampoo lotion, etc. are recyclable.

F. Glass jars and bottles clear, green and brown are recyclable.

G. Aluminum and tin cans are recyclable.

H. Bottles, jugs, jars and cans should be rinsed, labels can remain.

I. Remove all lids and caps from bottles, jugs and jars.

J. Flatten all plastic and polycoated containers.

#### **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 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 regulations, for review and approval by the Board of Supervisors. The 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 Residential and Opt-In municipal waste and recyclables shall pass to the Contractor when placed at curb side for pickup, 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 Township to residents and Opt-In customers of the Township shall remain the property of Washington Township. It shall be a violation of this Ordinance for any person to damage, misappropriate, or use the container for any



purpose other than recycling. Each such violation shall constitute a separate and distinct offence punishable in accordance with Section 18.

**SECTION 15. Opt-In Procedure**

The owner of any Multi-Family, Mobile Home Park, Condominium, Townhouse or similar development, Commercial, Industrial and Institutional Establishment may apply to be served by the Contractor given the exclusive right for collection, transportation and disposal of Municipal Waste and Recyclables from establishments as provided Section 4. A request from the owner 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 the regulations as may from time to time be adopted by the Board of Supervisors. In the event that the establishment is authorized by the Board of Supervisors to opt-in, then the establishment is subject to all provisions of this Ordinance and all rules and regulations as if it were 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 Residential and Opt-In recyclable materials which have been placed by another person at the curbside for collection by the Contractor pursuant to the curbside collection program, or deposited at a drop-off center.

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

**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 and Penalties.**

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 offence. 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 the 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.

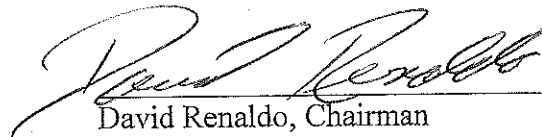
**SECTION 20. Repealer.**

Ordinance 175, the Washington Township Municipal Waste Disposal and Recycling Ordinance, and all other Ordinances or parts thereof which are inconsistent herewith are hereby repealed.

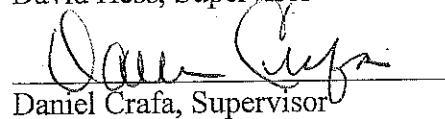
**SECTION 21. Effective Date.**

This Ordinance shall take effect 5 days after its enactment.

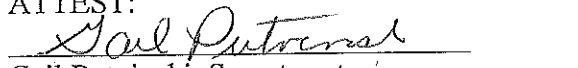
ENACTED this 14th day of March, 2012, by the Washington Township Board of Supervisors

  
David Renaldo, Chairman

  
David Hess, Supervisor

  
Daniel Crafa, Supervisor

ATTEST:

  
Gail Putvinski, Secretary to  
Washington Township Board of Supervisors