

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 294

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP BY REPEALING ORDINANCE NO. 282 AND RESOLUTION NO. 1271 IN THEIR ENTIRETY AND ADOPTING AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE REGISTRATION OF MUNICIPAL WASTE COLLECTORS AND ESTABLISHING REQUIREMENTS FOR THE SEPARATION AND COLLECTION OF RECYCLABLES.

THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA UNDER AND BY VIRTUE OF AUTHORITY GRANTED BY THE SECOND CLASS TOWNSHIP CODE DOES HEREBY ENACT AND ORDAIN:

SECTION I.

The East Norriton Code, at Chapter 125, is hereby amended by deleting the existing Ordinance No. 282 and existing Resolution No. 1271 in their entirety and inserting in their place the following:

ARTICLE I

General Provisions

Section 125-1. Title.

This chapter shall be known and may be cited as the East Norriton Township Municipal Waste Collection and Recycling Ordinance.

Section 125-2. Purpose.

The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment.

The collection of recyclables from residences and from commercial and institutional establishments in East Norriton Township will serve the general public interest by reducing the volume of municipal waste which must be disposed of, thereby reducing storage, collection, transportation and disposal costs of municipal waste and preserving valuable natural resources; and, will result in a financial benefit to the residents and tax payers of East Norriton Township by reason of costs avoided in

collecting, transporting and disposing of those materials which are diverted from the municipal solid waste stream through recycling.

Section 125-3. Definitions.

A. Aluminum - Shall mean empty, all-aluminum beverage containers.

B. Clear Glass - Shall mean bottles and jars made of clear, colorless glass. Expressly excluded are non-container glass, plate glass, colored glass, porcelain, and ceramic products.

C. Corrugated Paper - Shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

D. Commercial Establishment - Shall mean those properties used primarily for commercial or industrial purposes and multi-family dwelling units.

E. High Grade Office Paper - Shall mean all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

F. Institutional Establishment - Shall mean those establishments or facilities engaged in providing services or housing to groups of people, including but not limited to, hospitals, nursing homes, schools, and daycare centers.

G. Leaf Waste - Shall mean leaves, but not including grass clippings, garden residues, shrubbery and tree clippings.

H. Multi-family Dwelling Units - Shall mean residential properties upon which there is an attached dwelling unit having horizontal and/or vertical party walls in common with other dwelling units for which there is a common system for the collection of municipal waste.

I. Municipal Establishments - Shall mean public facilities operated by a municipality or other governmental or quasi-governmental authority.

J. Municipal Waste - Shall mean any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous materials resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual waste or hazardous waste in Act 97 and Act 101 from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility, but excluding source separated recyclables.

K. Municipal Waste Collector - Shall mean any collector registered pursuant to this Ordinance and the regulations established by a Resolution adopted hereunder and pursuant to any inter-municipal agreement subsequently executed by East Norriton Township with Montgomery County or other municipalities.

L. Newspapers - Shall mean paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and opinions, advertisements and other matters of public interest.

M. Person - Shall mean any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency, or any other legal entity or any group of such persons whatsoever which is recognized by law as a subject of rights and duties. In any provision of this Ordinance prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

N. Recyclable Materials - Shall mean only those materials required to be recycled pursuant to the provisions of this or other ordinances of East Norriton Township or of regulations established by Resolution adopted hereunder as revised from time to time.

O. Resident - Shall mean any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency, or any other legal entity or any group of such persons whatsoever which is recognized by law as a subject of rights and duties which owns, leases or occupies a property located in East Norriton Township used as a residence.

P. Source Separated Recyclables - Shall mean materials that are separated from municipal waste at the point of origin for the purpose of recycling.

Q. White Goods - Shall mean refrigerators, washing machines, dryers, window air-conditioners, hot water heaters, and other major home appliances.

Section 125-4. Municipal Waste Collectors.

A. Registration - Every person desiring to engage in, continue to engage in or hereafter begin to engage in the business of collecting, removing, transporting or hauling

municipal waste and recyclable materials from any property in East Norriton Township shall first register with the Township. Such registration shall be for a period of one (1) year beginning January 1 of the year in which the registration occurs. All collectors shall register by January 31 of each year except those collectors who begin engaging in business in the Township after January 1, who shall be required to register prior to beginning business in the Township.

B. Collection Equipment and Transportation Vehicles - The collection equipment and transportation vehicles used for the collection of municipal waste shall be of the closed metal body type with any automatic compactor unit. These vehicles shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other types of vehicles may be used only for the collection of recyclable materials, white goods and Christmas trees, provided such items are separately collected in accordance with other regulations established by this Ordinance or regulations established by resolution adopted hereunder. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

C. Certificates of Insurance - No person shall be entitled to register with the Township as a collector unless such collector can show certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Board of Supervisors of East Norriton Township by regulations established by resolution adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this Ordinance shall carry with it an endorsement to the effect that the insurance carrier will convey to East Norriton Township, by certified mail, written notice of any modifications, alterations or cancelation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to the Township at least ten (10) days prior to the effective date of any such modification, alteration, or cancelation.

D. Collection Procedures - Municipal waste collectors shall not be required to collect municipal waste of any resident where it is obvious that recyclable materials have not been separated pursuant to this Ordinance.

E. Rate Schedules and Route Maps - Each municipal waste collector shall, annually at time of registration, file with the Township a rate schedule showing the rates to be charged to its customers for the collection of municipal waste and recyclable materials. Such rate schedules shall not be changed by the municipal waste collector without first giving notice to the Township at least thirty (30) days prior to the effective date of such change. Each municipal waste collector shall also file with the Township annually, or upon changes of the routes, a map showing the areas of the Township in which it operates and a timetable setting forth the days of collection.

F. Registration Fee - At the time of registration, the collector shall pay the Township the sum of Fifty Dollars (\$50.00).

G. Frequency of Collection for Residential Establishments - Collectors shall collect municipal waste a minimum of one time per week and shall collect recyclable materials a minimum of one time per week from residential establishments.

H. Reporting Requirements - All collectors shall be required to periodically report to the Township the tonnage of municipal waste and recyclable materials which they have collected from all commercial, institutional, municipal and residential establishments in the Township on forms prepared by the Township.

Section 125-5.

The following provisions in this Section 125-5 apply to the separation and collection of materials at residences throughout the Township. Residents of multi-family dwelling units shall not be subject to the provisions of this Section 125-5.

A. Separation -

1. Recyclable Materials - All residents of East Norriton Township shall separate recyclable materials from the municipal waste generated at their property. When placed at the curb for collection in accordance with the provisions of this Ordinance, recyclable materials shall be placed in separate, reusable metal or plastic containers which clearly identify the contents as recyclables. Such containers shall initially be provided by the Township.

2. Leaf Waste - All residents of East Norriton Township shall separate leaf waste from other municipal waste generated at their property and shall dispose of the same in accordance with regulations adopted hereunder. Any resident who otherwise provides for the proper disposal of leaf waste shall not be required to comply with the provisions of this Section.

B. Collection - All recyclable materials shall be collected by a municipal waste collector. The municipal waste collector shall collect recyclable materials at least once per week. Leaf waste shall be collected by the Township in accordance with the schedules established annually by the Township. All source separated recyclables placed by the resident for collection by the municipal waste collector serving the resident pursuant to this Ordinance and Township regulations shall, from the time of being placed at the curb, become the property of the municipal waste collector.

C. Prohibition - No person shall place municipal waste in containers used for the separation and collection of recyclables; no person shall place recyclable materials in containers used for the separation and collection of municipal waste.

D. Placement of Containers at Curbside - The municipal waste or recyclable material containers shall not be placed at the curb or street line of any resident's property except during the period from 6:00 p.m. on the night prior to the scheduled collection and the empty container shall be removed by 12:00 midnight of the scheduled collection day.

E. Preparation of Municipal Waste and Recyclables for Collection - Municipal waste placed at the curb or street line for collection must be in closed, waterproof containers. Recyclable materials, with the exception of newspapers, placed on the street line or curb for collection must be in containers provided by the Township or municipal waste collector for the storage of recyclable materials. Newspapers must be bundled separately in bags or secured by rope or twine. No containers for municipal waste or recyclables shall be filled to exceed fifty pounds (50 lbs.) and newspaper bundles shall not exceed fifty pounds (50 lbs.) and neither shall be placed in the public streets.

F. Notice of Violation - Any person who shall violate the provisions of this Section shall receive an official written notice of non-compliance from the Township for the first and second offenses. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

Section 125-6. Commercial, Institutional and Municipal Recycling.

The following provisions apply to the separation and collection of materials from commercial, institutional and municipal establishments throughout the Township.

A. Separation -

1. Recyclable Materials - All persons owning commercial, institutional or municipal establishments in East Norriton Township shall be responsible for providing a system to source separate recyclable materials from the municipal waste generated at their property. This system should be developed with the assistance of their municipal waste collector.

2. Leaf Waste - All persons owning commercial, institutional or municipal establishments who gather leaves and are not served by the Township's leaf collection program shall arrange for the separation of leaf waste from municipal waste for disposal or processing of the leaves at a composting facility.

B. Collection - The method of collection of the recyclable materials for disposition shall be the responsibility of the person who generates the recyclables (i.e. generator) or a municipal waste collector designated by the generator for the collection and disposal of its recyclable material.

C. Prohibition - No person shall mix municipal waste in containers to be used for the separation and collection of recyclables. No person shall mix recyclable materials in containers used for the separation and collection of municipal waste.

D. Exemptions -

1. Commercial establishments that reuse recyclable materials as part of their manufacturing or processing operations shall be exempted from recycling those items being reused.

2. Commercial, institutional or municipal establishments that have on-site captive commercial disposal facilities for the exclusive disposal of municipal waste generated at the establishment shall be exempted from recycling those items used in stated facility.

The Township shall be notified by the owner if either of these two exemptions apply.

E. Storage Outside of Enclosed Buildings -

1. All municipal waste stored outside an enclosed building must be stored in water-tight containers.

2. Each commercial, institutional or municipal establishment within the Township shall provide a paved area for the placement of municipal waste and recyclable material containers. If required by the Township, an enclosure must be

constructed around the containers to prevent the spread of litter. This enclosure must meet the required setback from the property line of the zoning district. The height of the enclosure shall stand at least three feet above the top of the container and in no case shall an enclosure higher than ten feet be required.

3. Any waste other than municipal waste and recyclable materials must be disposed of in accordance with all government regulations applying to that waste.

F. Preparation For and Frequency of Collection of Recyclable Materials - All persons owning commercial, institutional or municipal establishments shall source separate recyclable materials from their municipal waste and place them in containers to be collected by the municipal waste collector. The frequency of collection shall be determined so as to prevent an overflow of containers.

G. Reporting Requirements - All persons owning commercial, institutional or municipal establishments shall be required to periodically report to the Township the municipal waste and recyclable materials that were collected from their respective establishments on a form prepared by the Township.

Section 125-7. Rules and Regulations.

The collection of municipal waste and recyclable materials by municipal waste collectors and the preparation for collection of municipal waste and recyclable materials by property owners and residents of the Township shall be made in compliance with the regulations to be adopted by the Board of Supervisors of East Norriton Township to carry out the intent and purpose of this Ordinance. Such rules and regulations shall be approved by resolution of the Board of Supervisors of East Norriton Township and, when so approved, shall have the same force and effect as the provisions of this Ordinance. The said rules and regulations may be amended, modified or replaced by resolution of the Board of Supervisors of East Norriton Township.

Section 125-8. Penalties.

Any person who violates any provision of this Ordinance or of the regulations adopted hereunder, or any person who knowingly commits, takes part, or assists in any violation shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) and not less than Fifty Dollars (\$50.00). Each day on which a violation of this Ordinance continues shall constitute a separate offense punishable by a like fine or penalty. In addition to this penalty, the Township may institute any appropriate action or proceeding, whether by legal process or otherwise, to prevent

any illegal act, conduct, business or use on or about such premises subject to this Ordinance.

SECTION II.

Nothing in this Ordinance or in the Code of East Norriton Township as hereby amended shall be construed to effect any suit or proceeding pending in any Court, or any rights acquired or liability incurred or any permit issued, or any cause or causes of action existing under the Code prior to the adoption of this Ordinance.

SECTION III.

All ordinances, or parts thereof, inconsistent with this Ordinance are hereby repealed.

SECTION IV.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect the remaining sections, sentences, clause, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION V.

This Ordinance shall become effective five days from the date hereinafter set forth.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this 2nd day of October , 1990.

BOARD OF SUPERVISORS
OF EAST NORRITON TOWNSHIP:

By: John W. Richter

Chairman

ATTEST:

Helmut J. Bawwald
Secretary