

**ORDINANCE NO. 502**

**EAST NORRITON TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP,  
SPECIFICALLY CHAPTER 165, SOLID WASTE, ARTICLE II, WASTE  
COLLECTORS AND RECYCLABLES**

**BY 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 Code of East Norriton Township, Chapter 165, Article II, Waste Collectors and Recyclables, is hereby amended and replaced in its entirety with the following:

**ARTICLE II**

**Waste Collectors and Recyclables**

**§ 165-14. Title.**

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

**§ 165-15. 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 taxpayers of East Norriton Township by reason of costs avoided in collecting, transporting and disposing

of those materials which are diverted from the municipal waste stream through recycling.

**§ 165-16. Definitions. [Amended 7-29-1991 by Ord. No. 301]**

As used in this article, the following words shall have the meanings indicated:

ALUMINUM—Empty, all-aluminum beverage containers.

BIMETALLIC CONTAINERS—Empty food or beverage containers consisting of steel and aluminum.

CLEAR GLASS—Bottles and jars made of clear, colorless glass. Expressly excluded are non-container glass, plate glass, colored glass, porcelain and ceramic products.

COMMERCIAL ESTABLISHMENTS—Those properties used primarily for commercial or industrial purposes and multifamily dwelling units.

CORRUGATED PAPER—Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

FERROUS CONTAINERS—Empty steel or tin-coated steel food or beverage containers.

GLASS CONTAINERS—Bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass and porcelain and ceramic products.

HIGH-GRADE OFFICE PAPER—All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

INSTITUTIONAL ESTABLISHMENTS— Those establishments or facilities engaged in providing services or housing to groups of people, including but not limited to hospitals, nursing homes, schools and day-care centers.

LEAF WASTE—Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

MULTIFAMILY DWELLING UNITS—Properties upon which there is an attached dwelling unit having horizontal and/or vertical party walls in common with other dwelling units.

**MULTIFAMILY ESTABLISHMENTS**—Includes properties which have four or more dwelling units.

**MUNICIPAL ESTABLISHMENTS**—Public facilities operated-by a municipality or other governmental or quasi-governmental authority.

**MUNICIPAL WASTE**—Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid 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 the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air-pollution control facility. The term "Municipal Waste" shall exclude source-separated recyclables.

**MUNICIPAL WASTE COLLECTOR**—Any person registered, pursuant to this article and the regulations established by a resolution adopted hereunder and to any intermunicipal agreement subsequently, executed by East Norriton Township with Montgomery County or other municipalities to collect, remove, transport or haul municipal waste from any property in East Norriton Township.

**NEWSPAPERS**—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.

**PERSON**—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 article 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.

**PLASTIC BOTTLES**—Empty consumer product bottles made of polyethylene terephthalate (PET) and high-density polyethylene (HDPE), such as soft drink bottles and milk and bleach bottles. Excluded are plastic wraps and bags.

**RECYCLABLE MATERIALS**—Includes leaf waste and those materials required to be

recycled pursuant to the provisions of this article or other ordinances of East Norriton Township or of regulations established by resolution adopted hereunder as revised from time to time.

**RECYCLABLE MATERIALS COLLECTOR**—Any person registered, pursuant to this article and the regulations established by a resolution adopted hereunder and to any intermunicipal agreement subsequently, executed by East Norriton Township with Montgomery County or other municipalities to collect, remove, transport or haul recyclable materials from any property in East Norriton Township.

**RECYCLING**—The collection, separation, recovery and sale or reuse of recyclable materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

**RESIDENT**—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.

**RESIDENTIAL ESTABLISHMENTS**—Includes homes, properties which have three or less multifamily dwelling units and other residential properties located within the East Norriton Township. The term “Residential Establishments” shall exclude multifamily establishments.

**SOURCE-SEPARATED RECYCLABLES**—Recyclable materials that are separated from municipal waste at the point of origin for the purpose of recycling.

**TOWNSHIP**—East Norriton Township, Pennsylvania.

**WHITE GOODS**—Refrigerators, washing machines, dryers, window air-conditioners, hot-water heaters and other major home appliances.

**§ 165-17. Municipal waste collectors and recyclable materials 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/or recyclable materials from any property in East Norriton Township shall first register with the Montgomery County Waste System Authority or East Norriton Township. All such persons shall register by January 31 of each year, except those such persons who begin engaging in business in the Township after January 1, shall be required to register prior to beginning business in the Township. Such registration shall be for a period of one-year beginning January 1 of the year in which the registration occurs.

- 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 that such items are separately collected in accordance with other regulations established by this article or regulations established by resolution adopted hereunder. The municipal waste and recyclable materials 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 Waste System Authority or Township under § 165-17 (A) above, unless such person 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 article shall carry with it an endorsement to the effect that the insurance carrier will convey to the Waste System Authority or East Norriton Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to the Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
- 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 article. Municipal waste collectors and recyclables materials collectors shall not mix municipal waste and source-separated recyclables.

- E. Rate schedules and route maps. Each municipal waste collector and recyclable materials collector shall annually, at the 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 or recyclable materials collector without first giving notice to the Township at least 30 days prior to the effective date of such change. Each municipal waste collector and recyclable materials 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 municipal waste collector and recyclable materials collector shall pay the Waste System Authority or Township the appropriate fee.
- G. Frequency of collection for residential establishments. Municipal waste collectors shall collect municipal waste a minimum of one time per week. Recyclable materials collectors shall collect recyclable materials, excluding leaf waste, a minimum of one time per week from residential establishments. Recyclable materials collectors that collect, remove, transport or haul leaf waste shall collect the leaf waste on a scheduled day at least once per month. The collection equipment and transportation vehicles used for the collection of municipal waste and recyclables shall only be permitted to operate on public streets during the hours of 7:00am to 9:00pm.
- H. Reporting requirements. Unless East Norriton Township contractually agrees otherwise, every person engaged in the business of collecting, removing, transporting or hauling municipal waste and/or recyclable materials from any property in East Norriton Township shall make quarterly reports to the Township of 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. The report shall be submitted within 15 days of the end of each calendar year quarter and shall set forth the tonnage collected per establishment or facility for all nonresidential establishments. The Township shall make forms available for such reporting. Failure to report the required information to the Township within the time period required will result in immediate revocation of registration of the municipal waste collector or recyclable materials collector and may result in the refusal of the Township to register the person in the future. All reporting information received by the Township will be maintained in confidence, with the

exception of any requirements of the federal or state government and as necessary for release for the Township to obtain federal or state grant moneys. [Amended 9-12-1994 by Ord. No. 343]

**§ 165-18. Separation and collection of municipal waste and recyclable materials generated at residential establishments.**

The following provisions in this section apply to the separation and collection of municipal waste and recyclable materials at residential establishments throughout the Township.

- A. Separation. All residents of residential establishments shall separate recyclable materials from the municipal waste generated at their property.
- B. Collection. All municipal waste shall be collected by a municipal waste collector. All source-separated recyclables shall be collected by a recyclable materials collector. All source-separated recyclables placed by the resident for collection by the recyclable materials collector serving the resident pursuant to this article and Township regulations shall, from the time of being placed at the curb, become the property of the recyclable materials collector.
- C. Prohibition. No person shall place municipal waste in containers used for the separation and collection of recyclable materials; 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 containers, recyclable materials containers, newspaper bundles or leaf waste bundles 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. All residents of residential establishments in East Norriton Township shall place municipal waste at the curb or street line for collection in closed, waterproof containers. All residents of the Township shall place recyclable materials, with the exception of newspapers and leaf waste, on the street line or curb for collection in containers provided by the Township or recyclable materials collector for the storage of recyclable materials. Newspapers must be bundled separately in bags or secured by rope or twine. Leaf waste must be contained in Kraft paper bags, bundles or trash cans approved by East Norriton Township unless residents have otherwise provided for the composting of leaf waste.

No containers for municipal waste or recyclables shall be filled to exceed 50 pounds, and bundles shall not exceed 50 pounds. Residents shall not place neither municipal waste nor recyclables 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 noncompliance from the Township for the first and second offenses. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

**§ 165-19. Separation and collection of municipal waste and recyclable materials generated at commercial establishments, institutional establishments, municipal establishments and multifamily establishments.**

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

- A. Separation. All persons generating municipal waste or recyclable materials at commercial establishments, institutional establishments, municipal establishments and multifamily establishments shall separate recyclable materials from the municipal waste generated at their property. Owners of commercial establishments, institutional establishments, municipal establishments and multifamily establishments who comply with this ordinance shall not be liable for the noncompliance of occupants of their buildings.
- B. Collection. All persons owning commercial establishments, institutional establishments, municipal establishments, or multifamily establishments in East Norriton Township shall be responsible for providing a system to for collection of municipal waste and recyclable materials at their property. Such owners shall establish and maintain a collection system that includes suitable containers for collecting and sorting recyclable materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the recyclable materials collection system. This system should be developed with the assistance of their municipal waste collector or recyclable materials collector.
- C. Prohibition. No person shall mix municipal waste in containers to be used for the separation and collection of recyclable materials. No person shall mix recyclable materials in containers used for the separation and collection of municipal waste.
- D. Exemptions. The Township shall be notified by the owner if either of the following two

exemptions apply:

- (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 establishments, institutional establishments 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.

E. Storage outside of enclosed buildings.

- (1) Commercial establishments, institutional establishments, municipal establishments and multifamily establishments shall store all municipal waste stored outside an enclosed building in watertight containers.
- (2) Each commercial establishment, institutional establishment, municipal establishment, and multifamily establishment within the Township shall provide a paved area for the placement of municipal waste and recyclable materials 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 10 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 establishments, institutional establishments, municipal establishments or multifamily establishment shall separate recyclable materials from their municipal waste and place them in containers to be collected by the recyclable materials collector. The frequency of collection for recyclable materials shall be a scheduled day, at least once per month.

G. Reporting requirements. All persons owning commercial establishments, institutional establishments, municipal establishments or multifamily 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.

H. Notice of violation. Any owner who violates the provisions of this section shall be subject to the penalties hereinafter provided.

**§ 165-20. Rules and Regulations.**

The collection of municipal waste and recyclable materials by municipal waste collectors and recyclable materials 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 article. 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 article. Said rules and regulations may be amended, modified or replaced by resolution of the Board of Supervisors of East Norriton Township.

**§ 165-21. Violations and penalties.**

Any person who violates any provision of this article 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 \$1,000 and not less than \$50. Each day on which a violation of this article 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 article.

**SECTION II. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be separate, distinct and independent and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION III. RATIFICATION**

This Ordinance shall in no other way affect, amend or modify the Zoning Ordinance contained in Chapter 162 of the code of East Norriton Township

**SECTION IV. FAILURE TO ENFORCE NOT A WAIVER**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ENACTED AND ORDAINED** by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 18<sup>th</sup> day of December, 2007.

EAST NORRITON TOWNSHIP  
BOARD OF SUPERVISORS

  
Chairman

  
Vice Chairman

ATTEST:



  
Supervisor

  
Supervisor

  
Secretary

  
Supervisor