

MONROE TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-04

AN ORDINANCE REGULATING THE COLLECTION, STORAGE, DISPOSAL, AND RECYCLING OF SOLID WASTE; REGULATING THE COLLECTION, STORAGE AND DISPOSAL OF RECYCLABLES; PROVIDING FOR THE AUTHORIZATION AND LICENSING OF TOWNSHIP COLLECTORS FOR SOLID WASTE AND RECYCLABLES; PROVIDING FOR PROVISIONS REGULATING BILLING; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the "Municipal Waste Planning, Recycling and Waste Reduction Act", the Act of July 28, 1988, P.L. 556, as amended (53 P.S. Section 4000.101 et seq.) provides that Monroe Township shall have the duty and power to adopt and implement programs for the collection and recycling of municipal solid waste and recyclables and to provide regulations for the billing therefore; and

WHEREAS, the Board of Supervisors of Monroe Township believes that it is in the best interest of the Township and its residents to become actively involved in the recycling and the conservation of recyclable materials; and

WHEREAS, this Ordinance is hereby adopted and enacted as the Monroe Township Solid Waste and Recycling Ordinance of 2013, and shall, except as otherwise provided for herein, be treated and considered as a new and original comprehensive ordinance which shall supersede the Monroe Township Solid Waste and Recycling Ordinance of 1999-7, and the amendment by Ordinance No. 2002-3, as of the effective date of this ordinance; and

WHEREAS, this Ordinance and the objectives leading to its enactment are authorized by "The Second Class Township Code", Act of May 1, 1933, P.L. 103, No. 69, reenacted and amended July 10, 1947, P.L. 1481; and further reenacted and amended November 9, 1996, P.L. 350, No 60 (53 P.S. Section 65101 et seq.) and by the "Municipal Waste Planning, Recycling and Waste Reduction Act", the Act of July 28, 1988, P.L. 556, as amended (53 P.S. Section 4000.101 et seq.); it is therefore enacted and ordained by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania, as follows:

ARTICLE I. GENERAL

Section 1: SHORT TITLE

This Ordinance shall be known and may be cited as the "MONROE TOWNSHIP SOLID WASTE AND RECYCLING ORDINANCE OF 1999".

Section 2: PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and welfare of the residents of Monroe Township by regulating the collection, storage, transportation, removal, dumping, deposit, disposal and recycling of solid waste by instituting and establishing a comprehensive solid waste management program and recycling program.

Section 3: DEFINITIONS

The following words and terms when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

**Abatement** means the restoration, reclamation, recovery, and the like, of a natural resource adversely affected by the activity of a person.

**Aluminum** means the light weight ductile and malleable metallic substance or element commonly known as aluminum and shall include all aluminum food and beverage cans. This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

**Apartment Building** is a building used for residential purposes with more than four (4) dwelling units each, except hotels, motels, tourist cabins, dormitories, and any and all other multi-residential units.

**Ashes** are the residue from the burning of wood, coal, coke or other combustible materials for the purpose of heating and cooking

**Bulky Waste** is items of solid waste and, therefore, require special handling including, but not necessarily being limited to, large household appliances such as stoves and refrigerators, plumbing fixtures, furniture, large crates, tires, tools, machinery or parts thereof.

**Commercial Establishments** are those establishments that generate solid waste in the operation of wholesale, retail or service businesses, multi-family buildings (apartment and condominium buildings of more than four (4) dwelling units each), hotels, motels and farms not utilizing residential services through the Township's contract hauler.

**Commingled** refers to placement of recyclable materials as defined herein, except newspapers and corrugated cardboard, in a special recycling container for the purpose of collection without their having been segregated by color or type.

**Corrugated Cardboard** is layered paper or cardboard in which one or more layers is pressed into parallel grooves or ridges and which is normally used for wrapping, packing, shipping and/or storage of dry materials.

**Dwelling Unit** is one or more rooms in a residential building which room or rooms have fixed cooking facilities arranged for occupancy by one or more persons living together, or one family. Dwelling unit shall also be deemed to mean unit as set forth in this Ordinance.

**Garbage** is all table refuse, animal and vegetable matter, offal from meat, fish and fowl, fruits, vegetables and parts thereof, and all other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

**Glass** shall mean the hard, brittle, transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually or conveniently included in the manufacture of glass; and shall for the purpose of this Ordinance include all materials commonly known as glass bottles or containers. This includes all food and beverage containers made of glass of one gallon or less capacity. Excluded are blue glass, ceramics, pottery, flat glass commonly known as window or plate glass, light bulbs, headlights and mirrors.

**Glossy Paper** is magazines and shiny newspaper inserts commonly used in advertisements.

**Hazardous Waste** is 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 state law, and, for the purpose of this Ordinance, includes residual waste as that term is defined by or pursuant to the Environmental Protection Agency and/or applicable state or federal law or regulation.

**HDPE** is High Density Polyethylene and known as Plastic #2.

**High Grade Office Paper**, printed or unprinted sheets, shavings or cuttings of sulfite or sulfate ledger, bond, writing, or other paper having similar fiber or filler content, including, but not limited to, stationary, copy paper and computer paper, and excluding treated, coated, and paddock stock.

**Industrial Establishments** are those facilities that house or serve groups of people for a common purpose, such as hospitals, schools and nursing homes.

**Mobile Home Parks** are parcel(s) of contiguous land designed and improved for use by four (4) or more mobile homes.

**Municipal Establishments** means public facilities operated by the Township and any other governmental and quasi-governmental authorities.

**Municipal Waste** is any garbage, refuse, industrial lunchroom, or office waste and any other material including solid waste, liquid, semi-solid or contained gaseous materials resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plan, waste water treatment plant or air pollution control facilities.

**Municipality** means "Monroe Township".

**Newspaper** means types of paper made from wood pulp and/or other fibrous materials mixed together, either with or without chemicals, to produce thin sheets of the products customarily and

primarily used for the production of the newsprint; newspaper may include magazines or glossy paper inserts commonly used in advertisements.

**PET** is Polyethylene Terephthalate and known as Plastic #1.

**Person** is every natural person, firm, corporation, partnership, association, or institution.

**Plastic Bag** is a 30-37 gallon plastic bag to be obtained from Township or Township's designated collector.

**Plastic Bottles** are empty and clean consumer product containers made of Polyethylene Terephthalate (PET), Polypropylene (PP), High Density Polyethylene (HDPE) and Low Density Polyethylene (LDPE) most commonly, but not limited to, plastic bottles used as containers for soda, milk and other consumer food products or for household cleaning products or for personal care products.

**Mobile Cart** is the 90-100 gallon polycart wheeled container to be obtained from Township Collector or Township's designated collector, said mobile cart to be and remain the property of Township or Township's designated collector.

**Processing Center** is any facility maintained for the purpose of storing, preparing, and/or consolidating recyclable materials (as defined herein) for sale.

**Public Awareness Program** is the program developed and provided by contractor or municipality to inform and encourage residents to use the recycling collection services.

**Recreational Cottages/Tourist Cabins** are seasonal single family dwelling units where the occupants lists a permanent address elsewhere and the unit is occupied not more than twenty-one (21) consecutive days per contract quarter.

**Recyclable Materials/Recyclables** include clear and colored amber, green, and brown glass, aluminum cans, plastic #1 through #7 containers and bottles, newspaper, steel tin and bimetallic, cans, corrugated cardboard, glossy paper, high grade office paper and such other materials as the Township may designate from time to time.

**Recycling Collection Services** are those services to be performed by contractor as follows: (1) the collection and conveyance of recyclable materials; (2) processing of recyclable materials as applicable; and (3) marketing of the recyclable materials.

**Recycling Containers** are sturdy plastic containers having a minimum capacity of 32 gallons, being of one color as designated by the municipality and bearing the municipal recycling logo.

**Refuse** is a general term which shall mean all matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort, and safety of the citizens of Monroe Township; it shall include ashes, garbage, rubbish, trash, and other refuse materials, but exclude human body waste; debris from household renovations, whether interior or exterior; dirt; rock; lead pipes; limbs or

the trunks of trees greater than three (3) inches in diameter; hazardous wastes; and recyclable items as defined herein.

**Refuse Collection Services** are those services to be performed by contractor as follows: (1) collection of refuse from locations; (2) transportation of refuse in trucks; and (3) disposal of refuse at a facility licensed by the Pennsylvania Department of Environmental Protection (DEP).

**Required Participation** is defined as every dwelling unit, commercial establishment, institutional establishment and mobile home required to participate by virtue of this Ordinance in the collection of solid waste and recyclables.

**Residential Building** is a single-family building used for residential purposes, individual mobile homes on private lots and/or in a mobile home park, farms (not utilizing a properly registered commercial hauler), duplexes, townhouses, and multi-family buildings (condominiums and apartments) of four dwelling units or less each. Exceptions are hotels, condominiums and apartment buildings with more than four (4) dwelling units each, recreational cottages/tourist cabins, motels, fraternities, and dormitories.

**Residual waste** is any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided it is not hazardous.

**Rubbish** is branches, trees, sawdust, chips, shavings, woods, woodenware, leather, rags, grass, straw, manure, and all solid combustible matters not included in this section under the term garbage.

**Solid Waste** is any waste, including but not limited to municipal, residual or hazardous waste, including solid, liquid, semi-solid or contained gaseous materials.

**Solid Waste Collection Services** are those services to be performed by the Township collector which include the collection of solid waste from locations specifically designated by the Township, Township collector or Township commercial collector, transportation of solid waste in trucks, and disposal of solid waste at a Cumberland County designated disposal facility identified in the Cumberland County Municipal Waste Management Plan.

**Township Collection Service** is a service for the collection of solid waste and recyclables, all in accordance with this Ordinance.

**Township Collector** is a person licensed by the County of Cumberland and registered with the Township by means of an independent contract to have the right and privileges, subject to certain limitations, to collect, haul and/or dispose of solid waste and recyclables from residential buildings and dwelling units within the Township of Monroe, but shall not be construed as meaning that such person is an agent, employee, official or representative of the Township.

**Township Commercial Collector** is a person licensed by and registered with the County of Cumberland to collect, haul and/or dispose of solid waste, bulky waste and/or recyclables from commercial and institutional establishments.

**Truck(s)** is a vehicle used for the collection of refuse which has mounted thereon and approved type, water tight sanitary body, or which has a standard truck body made water tight and equipped with means of covering to prevent loss of material by wind.

**ARTICLE II. RECYCLABLE MATERIALS**

**SECTION 1: GENERAL**

Recyclables separated for the purpose of materials recovery rather than disposal and collected by the Township or its designated agent or contractor (collector) shall not be considered solid waste as defined under this Ordinance and shall not be subject to the provisions of this Ordinance which requires the disposal of waste at designated facilities.

**SECTION 2: RECYCLING PROGRAM ESTABLISHED**

The Township hereby establishes a voluntary program that provides the opportunity and encourages the separation of recyclables from municipal waste by persons residing in single-family dwellings, multi-family establishments, and by commercial, institutional and industrial establishments, as defined by this Ordinance.

**SECTION 3: ITEMS TO BE RECYCLED**

- A. At residential buildings or apartment buildings: glass (clear, green, cobalt blue, brown and amber); aluminum; bimetallic, tin, and steel cans including aerosol; plastic #1 through #7 containers and bottles; newspapers, glossy paper; corrugated cardboard; junk mail.
- B. At commercial, municipal, institutional establishments and community activities: high grade office paper; aluminum cans; corrugated cardboard.
- C. The Board of Supervisors may, by Resolution not more than once annually in November or December of each year per contract period, re-evaluate by supporting documentation and mutual agreement with contracted collector, the identified recyclable items under Article II Sections 3A and 3B.
- D. The Board of Supervisors may, by Resolution not more than once annually in November or December of each year per contract period, establish rules and regulations for the separate cleaning, storage, placement for collection, and collection of recyclables.

**SECTION 4: RECYCLING PLANS TO BE FILED AND APPROVED BY TOWNSHIP**

Commercial, municipal, or institutional establishment and community activities conducting their own recycling program in accordance with this Ordinance and not in conjunction with the Township or under an exclusive contract as may be established by the Township for the collection of municipal waste

and recyclables, shall file with the Township and have approved by the Township individual recycling programs which provides for, at a minimum, the recycling of items as set forth in this Article.

SECTION 5: ESTABLISHMENT OF RULES AND REGULATIONS

Township shall establish and promulgate rules and regulations on the manner, days and time of collection of recyclable materials, and for the bundling, handling, location and time of placement of such materials for collection. Rules and regulations shall be promulgated for each of the programs undertaken, including but not limited to, the residential, multi-family and commercial sources of recyclable materials.

SECTION 6: SEPARATION OF RECYCLABLES AND PLACEMENT FOR DISPOSITION

Recyclable materials shall be placed at the curb or other designated area in separate containers provided by either the contracted hauler or Township as appropriate and separated from solid waste, all for collection at such times, dates and manner and places as may be established or authorized by the Township.

SECTION 7: UNAUTHORIZED COLLECTION

It shall be a violation of this Ordinance for any person or individual other than the designated contractor or collector, or any other person licensed by the Township, to collect any designated recyclable material which has been placed at the pick-up point for collection as set forth in this Ordinance. Each collection and violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided. Notwithstanding the provisions of this Section to the contrary, no person, as defined herein, shall be prohibited from engaging in individual voluntary recycling.

SECTION 8: UNLAWFUL DISPOSITION OF RECYCLABLES

It shall be unlawful for any person or persons collecting trash or recyclables to dispose of any recyclable item as defined herein by co-mingling said items with other solid waste not required to be recycled or to dispose of such items in other places that will not insure that said items are recycled, unless the recyclable item is so contaminated that it is unacceptable for recycling.

SECTION 9: MANNER OF COLLECTION/COLLECTION PRACTICES

Refuse and recycle materials shall be collected in a neat and workmanlike manner, and if by accident or otherwise, a spill shall occur, the contractor shall be required to gather up same in a neat and clean manner. The contractor shall also be obligated to operate its vehicle(s) in such a manner as to prevent spillage. Contractor shall handle all receptacles and containers as carefully and quietly as possible and shall return (not throw) them to the location where picked up.

The collection practices of the contractor and any other person removing Residential Solid Waste and Recyclables from the Township by virtue of registration with the Township shall conform to all applicable rules and regulations of the Commonwealth, the County, the Township and any contract or contracts between the parties.

SECTION 10: RECYCLING AWARENESS PROGRAM ESTABLISHED

Township shall establish a comprehensive and sustained public information and education program that encourages maximum participation by all citizens and provides for the recycling program features and requirements in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act.

SECTION 11: INCORPORATION OF BIDDING DOCUMENTS AND CONTRACT

If the Township decides to enter into an exclusive contract for the collection of residential municipal waste and the collection of residential recyclables, the terms and conditions of said contract, as well as the bidding documents relating thereto, shall apply to the owner of property and every person occupying a dwelling unit, as defined in this Ordinance, within the Township where recyclables are generated and accumulated.

ARTICLE III. STORAGE, COLLECTION AND DISPOSAL OF MUNICIPAL WASTE

SECTION 1: GENERAL

It shall be the duty of every owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this Ordinance, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector; and to insure the sanitary and legal disposal of such waste in accordance with this Ordinance and all other applicable Township, County, State, and Federal laws and regulations. Every owner of property and every person occupying a dwelling unit, premises or place of business within the Township must comply with any agreement made by the Township with an authorized collector or hauler for the removal of such waste unless otherwise specified in this Ordinance.

SECTION 2: STORAGE ON RESIDENTIAL PROPERTY

- A. All municipal waste accumulated by owners of residential property and/or the occupants of residential properties shall be placed in containers or plastic bags for collection by an authorized collector. The containers shall be durable, watertight and made of rust-resistant metal or plastic, or as otherwise designated by Township. Containers for curbside recyclables will be as specified by the Township or as provided through an exclusive contract for the collection of recyclables.
- B. Each municipal waste container and curbside recyclable container or plastic bag shall be placed for collection, no more than Twenty-Four (24) hours prior to the designated service



day, so as to be accessible to the collector at ground level and at a point immediately behind the curblin of the street, within no more than ten (10) feet of the cartway of the street or alley from which the collection with a vehicle is made of there is no curbing, or at a location mutually agreeable between the resident, the Township and the collector. Failure to place containers at such locations may result in waste not being picked up. The containers are to be removed from the immediate street or road Right-Of-Way within a reasonable time limit, until the next scheduled collection day. Location for collection of uncontainerized recyclable material shall be as specified by the Township.

- C. The Board of Supervisors may, by Resolution not more than once annually in (month to be determined) of each year per contract period, establish rules and regulations for the collection of all municipal waste.

SECTION 3: STORAGE ON COMMERCIAL, MULTI-FAMILY, INSTITUTIONAL AND INDUSTRIAL PROPERTIES

- A. Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers or plastic bags as required for residential properties except where the accumulation of solid waste for such commercial, institutional or industrial property precludes their use, in which case such owner or occupant shall make special arrangements with an authorized collector for the storing of such additional quantities. Such special arrangements with an authorized collector for the storing of such additional quantities. Such special arrangements shall be reported to the Township on a Solid Waste Management Form available at the municipal office and shall include the number and type of special bulk containers to be furnished by the collector as may be approved by the Township.
- B. Containers or plastic bags for collection at commercial, institutional, or industrial properties shall be located on the owner or occupant's premises at a place agreed upon by the owner or occupant's premises at a place agreed upon by the owner or occupant of the commercial, institutional, or industrial property and the authorized collector and shall not be unsatisfactory to the Township. Such locations shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, highways, alleys or entrances and exits of public or private buildings.
- C. The Board of Supervisors may, by Resolution not more than once annually in (month to be determined) of each year per contract period, establish rules and regulations for the collection of all municipal waste.

SECTION 4: AUTHORIZATION OF COLLECTORS

Except as set forth in this Ordinance or any exclusive Township contract for the collection of municipal waste and recyclables, it shall be unlawful for any person or corporation other than persons or corporations authorized by valid licenses issued by the Solid Waste Authority of Cumberland County and the Township or contract by the Township to collect and/or transport solid waste of any nature as a regular hauling business within or from the Township. If the

Township decides to enter into an exclusive contract for the collection of residential municipal waste in the Township, said contractor shall be required to collect municipal waste in the Township exclusive of other private haulers and collectors subject, however, to the exceptions as set forth in the exclusive Township contract and this ordinance.

Authorization to collect, transport and dispose of municipal waste beyond the scope of any registration with the County of Cumberland may be given only by the County of Cumberland.

Owners of multi-family (apartment and condominium) buildings with more than four (4) dwelling units each, farms (not utilizing the Township's contracted residential hauler), commercial, institutional and industrial properties shall have the option to contract for the collection and removal of municipal waste and recyclables with the contractor registered with the County of Cumberland or any other hauler or collector properly registered with the County of Cumberland.

SECTION 5: APPROVAL OF DISPOSAL OR PROCESSING FACILITY

The location of the disposal or processing facility which the bidder proposes to use in the disposal of refuse shall be one that is designated in the Cumberland County Municipal Waste Management Plan. In accordance with the 1997 Cumberland County Municipal Waste Plan, and any amendments thereto, any such plan or facility must be one that is approved in the Plan for the disposal of trash generated within the county. The Township reserves the right to make inspections of authorized collectors to insure that waste generated within the Township is being disposed of in an authorized or designated facility and to limit the use of a designated facility only to waste generated within the Township. Any authorized collector found to be in violation of this Section shall have his license to collect or haul municipal waste in the Township revoked.

SECTION 6: UNLAWFUL DISPOSITION OF MUNICIPAL WASTE

It shall be unlawful for any person to deposit for collection any solid waste including bulky items not generated at the address from which collection is made or to bring any solid waste into the Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection except as set forth in ARTICLE III, SECTION 8.

SECTION 7: BULKY WASTE

- A. Bulky waste which is not collected by the normal or weekly residential collection shall not be stored outside of a building or accessory building on any land in the Township except for a period not exceeding five (5) days pending the special handling for disposal of bulky waste. It shall be unlawful for any person to place bulky waste on any property other than on the property at which it was generated or directly associated with. Bulky waste shall be disposed of at a State permitted or

licensed disposal facility, a facility especially designated by the Township to take such bulky items or legitimate salvage dealer that is in the business of disposing of or recycling such items.

SECTION 8: EXCLUSIONS

The terms and conditions of any contract between a collector or hauler and the Township shall be binding upon each and every owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated. All shall be required to participate in the mandatory collection of municipal waste except where exempted as set forth in subsections A-H below, where the refuse removed is outside the scope of the contract between the Township and a collector or hauler.

- A. Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste beyond the scope of any contract negotiated by the Township with a collector from hauling his/her own bulky waste and recyclable materials to a State permitted disposal facility or to the disposal facility as designated by the Township in accordance with the regulations of the disposal facility, or recycling center.
- B. Nothing contained herein shall be deemed to prohibit any individual from contracting with an authorized collector for removal of solid waste or recyclables beyond the scope of any contract negotiated by the Township with a collector.
- C. Nothing contained herein shall prohibit a farmer, or anyone engaged in what is commonly referred to as farming practices, from carrying out normal farming operations, including composting or spreading of manure or other farm produced agricultural waste, not otherwise prohibited or regulated for land applications.
- D. A township resident who owns and operates a business within or outside the township and who utilizes a licensed commercial hauler, may at their own option, choose to utilize the Township's contract hauler thereby allowing them to negotiate directly with the Township's contract hauler with respect to charges for their residential waste and recycling service. This allows the resident/business owner to have one trash bill instead of two.
- E. The provisions of this Ordinance do not apply to anything but the storage, collection, transportation and disposal of municipal waste and do not apply therefore to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be disposed of in compliance with applicable State and Federal laws and regulations.
- F. Nothing contained herein shall prohibit any individual who farms or makes a living on farming ten (10) or more acres from contracting with an authorized collector for removal of solid waste or recyclables beyond the scope of any contract negotiated by the Township with a collector.
- G. Suspension of collection services may be requested by any Township dwelling unit due to vacancy by providing the collector with written notice at least two weeks

prior to the effective date of the requested suspension. Suspensions of service cannot be for a period of less than sixty (60) days.

- H. Any person who is excluded by virtue of Section 8 and who conducts their own collection and disposal of municipal waste program in accordance with this Ordinance and not in conjunction with the Township or under an exclusive contract as may be established by the Township for the collection of municipal waste, shall file with the Township and have approved by the Township individual collection and disposal programs which provide for, at a minimum, the collection and disposal of municipal waste as set forth in this Article.

#### SECTION 9: INCORPORATION OF BIDDING DOCUMENTS AND CONTRACT

If the Township decides to enter into an exclusive contract for the mandatory collection of municipal waste and the voluntary collection of recyclables, the terms and conditions of said contract, as well as the bidding documents relating thereto, shall apply to the owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal waste is generated and accumulated, except as otherwise exempted by this Ordinance.

The Board of Supervisors shall, upon written request and supporting documentation, evaluate any and all circumstances to determine appropriate compliance and/or the possible granting of some form of relief.

#### ARTICLE IV. FEES

##### SECTION 1: GENERAL

It shall be the duty and responsibility of every owner of property, leased dwelling unit, premises or place of business within the Township where municipal waste is produced and is accumulated, to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this Ordinance, to a Township Collector or Township Commercial Collector, exclusive contractor, duly authorized and designated under this Ordinance shall be prepared in the name of the owner of the premises for which the collection and disposal charges are being made, and the charge is hereby imposed under such owner. The failure of an owner to receive a bill for charges required to be paid by this Ordinance shall not excuse the owner from payment of charges on the due date. A licensed hauler, exclusive contractor or the Township may discontinue service for non-payment of service fees by a residential, commercial, institution or industrial establishment. Discontinuance of service due to non-payment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this Ordinance.

##### SECTION 2: FEES TO BE ESTABLISHED BY CONTRACT; COLLECTION PENALTIES

- A. All service fees established under an exclusive contract for the collection of municipal waste and recyclables in Monroe Township shall be established and adjusted by a contract to be awarded by the Board of Supervisors, all pursuant to public bidding and public award of contract. The Contractor or a collection agency designated by the Township will be solely responsible for collection of fees for service directly from the property owner. Monroe Township will not be responsible for any collection fees and will not do any billing. Billing shall be done on a regular and convenient basis but, in any event, the Contractor or

designated collection agency will, at a minimum, bill in intervals not to exceed three (3) months. Said billings will be at the beginning of each designated billing period.

- B. All service fees which remain unpaid thirty (30) days after the invoice date shall be deemed delinquent. All delinquent accounts shall be subject to a penalty of ten (\$10.00) dollars. Thereafter the \$10.00 fee shall be assessed once during each quarter the bill for service fees remain unpaid. The Township or Township Collector is authorized to waive such penalty in full or in part if either believes it is in the best interest of the Township to do so. If the property owner fails to pay any charges or fees after the same become delinquent, the Township Collector is authorized to file a civil suit for the collection of service fees, penalties, costs of collection (including Township Collector's reasonable attorney's fees which shall not exceed the current hourly rate of the Solicitor as set by the Board of Supervisors from time to time.) and an additional administrative fee of fifty (\$50.00) dollars. All delinquent accounts are subject to stoppage of service without notice. Upon stoppage, service will be resumed thereafter only on payment of the accumulated fees for the period of collection and the delinquent period. Stoppage of service shall not relieve the owner of the obligation to pay the fees set forth in this Ordinance.

#### ARTICLE V. PENALTIES FOR VIOLATION

##### SECTION 1: PENALTIES

Any person, including the exclusive contractor and any other collectors operating within the Township, who shall violate any provision of this Ordinance shall be liable, upon conviction for the first offense and upon summary conviction for each subsequent offense, to a fine of not less than One Hundred and No/100 (\$100.00) Dollars, nor more than One Thousand and No/100 (\$1,000.00) Dollars together with the cost of prosecution, including reasonable attorney's fees and collection cost fees as incurred by the Township, in each case. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this Section for each and every separate offense. Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding thirty (30) days.

##### SECTION 2: GENERAL FUND

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Monroe Township General Fund.

##### SECTION 3: ATTORNEY FEES

Where attorney fees are sought to be collected or are incurred as a result of a civil enforcement proceeding or other action initiated by Monroe Township, said attorney fees shall be at the rate of the current Solicitor's rate for all work in connection with the civil enforcement proceeding or other action

initiated, all based upon the time expended by the Township Solicitor or other attorney designated by the Board to enforce Township Ordinances. The Board of Supervisors may, from time to time, amend the hourly rate for attorney fees by resolution.

SECTION 4: ADDITIONAL REMEDIES

Nothing herein is intended to preclude the Township's exercise of any additional remedies, in law or in equity, for non-compliance with this Ordinance, all in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act and the Second Class Township Code.

ARTICLE VI. EFFECTIVE DATE, SEVERABILITY AND RELATIONSHIP TO OTHER ORDINANCES

SECTION 1: CONTINUATION

Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION 2: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law. The implementation of this Ordinance and the provisions contained herein will be effective ten (10) days after enactment.

SECTION 3: SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Monroe Township that such remainder shall be and shall remain in full force and effect.

SECTION 4: RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

ARTICLE VII. REPEALER

All other ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance, including the Monroe Township Solid Waste and Recycling Ordinance of 1999-7, and the amendment by Ordinance No. 2002-3, shall be and the same expressly are repealed; provided that Ordinance 2013-04 of this Township shall remain in full force and effect hereafter.

ENACTED AND ORDAINED this 17<sup>th</sup> day of December, 2013.

ATTEST:

MONROE TOWNSHIP BOARD OF SUPERVISORS

Margaret E. Metzger

Samuel M. Simmons  
Samuel M. Simmons

Philip Kehoe

A.W. Castle  
A.W. Castle