

ORDINANCE NO. 2010-01

"2010 Lower Mount Bethel Township Refuse and Recycling Collection Ordinance"

AN ORDINANCE OF LOWER MOUNT BETHEL TOWNSHIP,
COUNTY OF NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA,
ESTABLISHING A REFUSE AND RECYCLING
COLLECTION PROGRAM WITHIN LOWER MOUNT
BETHEL TOWNSHIP; PROVIDING FOR DEFINITIONS;
PROVIDING FOR THE ESTABLISHMENT OF RULES
AND REGULATIONS TO ADMINISTER THE
PROGRAM; PROVIDING FOR THE ESTABLISHMENT
OF A REFUSE COLLECTION FEE; PROVIDING FOR
LATE FEES;
PROVIDING PENALTIES FOR VIOLATION(S) OF THIS
ORDINANCE; REPEALING ORDINANCES,

RESOLUTIONS OR PARTS THEREOF IN CONFLICT
HEREWITH; PROVIDING FOR THE SEVERABILITY OF PARTS OF
THIS ORDINANCE DEEMED TO BE INVALID; AND PROVIDING
FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors duly enacted Ordinance 95-3 on November 8, 1995 to provide for the collection, removal and disposal of refuse and recycling from residential units in Lower Mount Bethel Township and the assessment of fees to offset the cost thereof; and

WHEREAS, the Board of Supervisors wishes to amend and restate Ordinance 95-3 in its entirety to ensure the residents of Lower Mount Bethel Township continue to be provided with a reliable and efficient refuse collection and recycling program, and;

WHEREAS, the Board of Supervisors wishes to ensure that Lower Mount Bethel Township is able to enforce the provisions of its refuse and recycling collection program to the maximum extent provided for by statute; and

WHEREAS, in order to do so, the Board of Supervisors has determined that the health, safety and general welfare of the citizens of Lower Mount Bethel Township will be promoted and served by enacting this ordinance ("2010 Lower Mount Bethel Township Refuse and Recycling Collection Ordinance") which amends and restates Ordinance 95-3 in its entirety.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Mount Bethel Township, County of Northampton, Commonwealth of Pennsylvania, as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "2010 Lower Mount Bethel Township Refuse and Recycling Collection Ordinance."

SECTION 2. Enactment. This Ordinance is enacted pursuant to the authority conferred by the Second Class Township Code, Act 1995-60 of 1995, November 9, P.L. 350, No. 60, Section 1, as amended (53 P.S. Sec. 65101 et seq.).

SECTION 3. Definitions. The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Ashes — The residue resulting from the burning of wood, coal, coke or other combustible material.

Bulky Rubbish — Discarded furniture and large household appliances, including, but not limited to, refrigerators, washing machines, bathtubs, sinks and commodes.

Curbside — A location readily accessible by the refuse or recycling collector of the Township, adjacent to the curb (or adjacent to the roadway if there is not a curb) ,where each person affected by this ordinance places refuse for collection.

Discount — A deduction of a set amount or percentage from the annual refuse collection fee.

Discount Period — The period of time (days) when a deduction of a set amount or percentage may be deducted from the annual refuse collection fee.

Disposal — The storage, collection, disposal or handling of refuse and/or recycling.

Dwelling Unit — Individual residential housing property, including single-family, townhouse and condominium units. Apartments arranged, designed and intended for occupancy by four (4) or more families living independently and mobile home parks are not considered dwelling units. Such apartments shall be considered a commercial establishment as shall mobile home parks; such characterization for the purposes of this ordinance shall have no impact on their characterization under any other ordinance, including without limitation, the Township zoning ordinance.

Garbage — All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

Person — Any natural person, association, partnership, firm or corporation.

Refuse — All solid wastes, including ashes, garbage and rubbish, excluding body and medical wastes.

Refuse Collection Fee — The residential waste and recycling bill issued annually by the Township.

Rubbish — Glass, metal, paper, plant growth, wood or nonputrescible solid wastes.

Township — Lower Mount Bethel Township, Northampton County, Pennsylvania.

SECTION 4. Establishment of a Refuse Collection Program within Lower Mount Bethel Township. Pursuant to the Second Class Township Code, the Board of Supervisors of Lower Mount Bethel Township hereby reaffirms the establishment of its refuse and recycling collection program for curbside collection from all dwelling units within Lower Mount Bethel Township. This curbside collection shall not apply to any commercial, municipal or industrial establishment. The Township may decide to enter into an exclusive contract with a refuse hauler to collect all refuse and recycling within the Township.

SECTION 5. Rules and Regulations. The Township is hereby authorized, from time to time, to supplement, clarify and detail the provisions of this Ordinance with those rules and regulations not inconsistent herewith. Such rules and regulations may include but are not limited to provisions concerning dates, times and places of pickups, containers and quantities, precollection and collection procedures, charges, billings, exonerations and enforcement.

SECTION 6. Place and Frequency of Collection.

A. Place of Collection. For collection purposes, refuse and recycling containers shall be placed at ground level, curbside, on the property, not within the cartway of a street or alley in such a manner as is easily accessible from the side of the street or alley from which collection is made.

B. Frequency of Collection. Refuse shall be collected one (1) time per week and recycling shall be collected one (1) time every other week on the same day as refuse collection. Bulky rubbish shall be collected in accordance with those rules and regulations established pursuant to this Ordinance.

SECTION 7. Refuse Collection Fee. It shall be the duty and responsibility of every owner of a dwelling unit to pay a refuse collection fee for the collection and disposal of refuse and recycling. No agreement between an owner and occupant or other person shall relieve the

owner of a dwelling unit from liability for payment of the refuse collection fee. The amount of the refuse collection fee shall be in such amounts and calculated in such manner as may be established from time to time by resolution of the Township. The refuse collection fee shall be reviewed annually and adjusted as deemed necessary in the sole discretion of the Board of Supervisors to ensure that all costs involved in the collection and disposal of refuse and recycling, including administrative costs of the Township, are recovered by the refuse collection fee. The Township may, by resolution, set any applicable discount and discount period on an annual basis.

SECTION 8. Payment of Refuse Collection Fee. The above fee shall be designated on the sanitation assessment bill sent by the Township to the dwelling unit owner. The refuse collection fee shall be due on or before the date(s) established by resolution of the Township from time to time. A late fee of ten percent (10%) will be added to all refuse collection fees paid after the due date(s) provided by resolution. Failure to receive a bill will not exempt the dwelling unit owner from payment of the refuse collection fee due.

SECTION 9. Collection of Delinquent Fees. The Township shall collect, by suit or otherwise, all refuse collection fees, late fees, interest, court costs, reasonable attorneys' fees, fines and penalties due and unpaid in any manner permitted by law. If for any reason any fee is not paid when due, the dwelling unit owner shall be liable for all costs of collection, including court costs and reasonable attorneys' fees.

SECTION 10. Liens. Unpaid refuse collection fees imposed by this Ordinance, together with sums contemplated by Sections 9 and 11 hereof, shall be a lien on the property serviced by the refuse and recycling collector contracted by the Township, and such refuse collection fees which shall be delinquent may be filed as a lien against the property so serviced. Said lien shall be filed in the manner provided by law in the office of the Prothonotary of Northampton County, Pennsylvania and shall be collected in the manner provided for by law for the collection of municipal claims.

SECTION 11. Violation(s) and Penalties. Any person who shall violate any provision of this Ordinance shall, upon summary conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not greater than one thousand (\$1 ,000.00) dollars plus costs, including reasonable attorneys' fees, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days or that which is permitted by statute for punishment of summary offenses, whichever is less. Each day that a violation of this Ordinance continues shall be deemed a separate offense.

SECTION 12. Repeal. Any Ordinance, Resolution and/or other regulation of the Township, or any parts of Ordinances, Resolutions and/or other regulations of the Township, in conflict herewith are hereby repealed, including but not limited to Lower Mount Bethel Township Ordinance 95-3 which is amended and reinstated in its entirety by this Ordinance. All other provisions of the ordinances, resolutions and/or other regulations of Lower Mount Bethel Township, Northampton County, Pennsylvania shall remain in full force and effect.

SECTION 13. Severability. The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance shall be held to be invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions hereof, other than the part determined to be invalid or held unconstitutional.

SECTION 14. Effective Date. This Ordinance shall become effective five (5) days following the date of adoption by the Board of Supervisors.

DULY ENACTED AND ORDAINED into an Ordinance this 18th day of January, 2010 by the Board of Supervisors of the Township of Lower Mount Bethel, Northampton County, Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present. As part of this Ordinance, the Board of Supervisors has directed that the Chairman, or Vice-Chair in the absence of the Chairman, execute this Ordinance on behalf of the Board.

TOWNSHIP OF LOWER MOUNT BETHEL
BOARD OF SUPERVISORS

By: Luis Santiago, Jr.
Luis Santiago, Jr.
Chairman of the Board of Supervisors

ATTEST:

Lo i A. Stauffer
Township Secretary

(seal)

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By: Luis Santiago, Jr.
Chairman of the Board of Supervisors

ATTEST:

Lo i A. Stauffer
Township Secretary

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