

BIRMINGHAM TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO.

AN ORDINANCE AMENDING THE BIRMINGHAM TOWNSHIP CODE, CHAPTER 97, TITLED "SOLID WASTE", ARTICLE II, TITLED "MUNICIPAL WASTE AND RECYCLING" BY RESTRICTING THE COLLECTION OF WASTE TO THOSE AUTHORIZED BY THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE WASTE TRANSPORTATION SAFETY ACT.

THE BOARD OF SUPERVISORS DOES HEREBY ENACT AND ORDAIN THAT CHAPTER 97 OF THE BIRMINGHAM TOWNSHIP CODE, TITLED, "SOLID WASTE", ARTICLE II, TITLED "MUNICIPAL WASTE AND RECYCLING" IS HEREBY AMENDED AS FOLLOWS:

SECTION I. Section 97-1, titled "Legislative intent," shall be amended as follows:

- A. Require persons who transport and haul municipal waste within the township to obtain authorization from the Pennsylvania Department of Environmental Protection and to register with the Township.
- B. Encourage residents, businesses and institutions of the Township to recycle their municipal waste by mandating that all authorized trash collectors/haulers offer to collect recyclables."

SECTION II. Section 97-3 shall be amended as follows:

"§97-3. Authorization of collectors/haulers.

Only a person or entity authorized by the Pennsylvania Department of Environmental Protection in accordance with Act 90 of 2002, the Waste Transportation Safety Act, 27 PA. C.S. §6201 *et. seq.*, may collect municipal waste within the Township. Authorized haulers shall comply with the reporting requirements in § 97-4 of this Chapter."

SECTION III. Section 97-4 shall be amended as follows:

"§ 97-4. Reporting requirement for authorized haulers.

All persons authorized to collect municipal waste or recyclables under §97-3 shall submit an annual report to the Township which contains the information specified herein.

- A. The report shall contain a list of the establishments in the Township, including street addresses, for which the authorized hauler collected municipal waste or recyclables.
- B. The report shall give the total weight of municipal waste and the total weight of each recyclable material collected by the authorized hauler in the Township.
- C. The report shall be submitted to the Township each year no later than February 15 and shall include the information required by Subsection A and B for the immediate preceding calendar year.
- D. Failure to file the required report in a timely manner shall subject the authorized hauler to the penalties provided for in § 97-5 of this Chapter.”

SECTION IV. Section 97-5, titled “Prohibited acts; violations and penalties,” shall be amended as follows:

“§97-5. Violations and penalties.

Any person, partnership, corporation or association who shall violate any provision of this Chapter shall, upon being found liable therefore in a civil proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not more than \$600 plus all court costs, including reasonable attorneys fees incurred by the Township. Each continuing day of any violation of this Chapter shall constitute a separate offense punishable by a like fine or penalty.”

SECTION V. Section 97-6, titled “Recycling,” shall be amended as follows:

“§97-6. Recycling.

All authorized collectors/haulers shall offer to the residents of the Township the option of recycling materials as defined herein as “recyclable material” and shall notify the residents of the designated days for collecting recyclable material.”

SECTION VI. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or part hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION VII. Repealer. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION VIII. Effective Date. This ordinance shall be effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2009.

**BOARD OF SUPERVISORS
BIRMINGHAM TOWNSHIP**

John L. Conklin, Chairman

Attest:

William J. Kirkpatrick, Vice Chairman

Quina Nelling, Secretary

Alfred W. Bush, Member