

## ORDINANCE NO. 2019-1

**AN ORDINANCE OF THE TOWNSHIP OF TOWAMENSING, CARBON COUNTY, PENNSYLVANIA PROHIBITING LITTERING AND DUMPING ON TOWNSHIP OWNED PROPERTY; PROVIDING FOR THE DEPOSIT OF DESIGNATED RECYCLABLE MATERIALS AT RECYCLING FACILITIES; DEFINING MEANING OF TERMS AS USED IN THIS ORDINANCE; AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

The Board of Supervisors of Towamensing Township hereby ordains:

**Section 1. Definitions.** As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

**ALUMINIM** – All food and beverage cans made of the light in weight, ductile and malleable metallic substance or element commonly known as aluminum. This description excludes aluminum foil, trays, plates, and miscellaneous aluminum products.

**CLEAR GLASS** – Clear glass consists only of clear food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda or lime and/or other chemicals and substances usually included in the manufacture of glass.

**COLORED GLASS** – Colored glass consists only of green or brown food and beverage containers made of glass, of one gallon or less capacity, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda or lime and/or other chemicals and substances usually included in the manufacture of glass.

**CORRUGATED CARDBOARD** – Unbleached, unwaxed kraft paper that is formed into layers with a fluted medium and manufactured into shipping boxes and regulated products.

**DEBRIS** – Dead trees, limbs or portions thereof which have become detached and have fallen to the ground, grass clippings, pruning or clippings from trees or shrubs, accumulations of leaves and other such combustible solid wastes from vegetation.

**DESIGNATED RECYCLABLE MATERIALS** – Those Source Separated materials designated for recycling by the Board of Supervisors of Towamensing Township. On the effective date of this ordinance, they

are: aluminum, clear glass, colored glass, corrugated cardboard, high-grade office paper, newsprint, plastics and steel cans. Materials may be added to or deleted from this list of Designated Recyclable Materials from time to time by resolution duly adopted by the Board of Supervisors of Towamensing Township.

**GARBAGE** – Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**HIGH-GRADE OFFICE PAPER** – Desktop generated paper limited to white ledger, copy paper, and computer printout (CPO).

**JUNK** – Discarded materials, articles or things including but not limited to, scrap metal, paper, rags, glass, containers, scrap wood or lumber, trailers, broken or discarded furniture or household appliances, durable goods, broken, neglected, abandoned or junk machinery and equipment, scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable, unlicensed, and do not have a current and valid inspection sticker.

**MUNICIPAL OFFICES** – The Township Building located at 120 Stable Road, Lehigh, Pennsylvania, all entrances and approaches thereto, all parking and adjoining or adjacent areas thereto.

**NEWSPRINT** – Paper which has been used for the production of daily, weekend and special edition publications commonly known as newspapers.

**PERSON** – A natural person, firm, corporation, partnership, association, institution or similar entity.

**PLASTICS** – Recyclable plastics are identified on the bottom of the container and consist of two (2) types of containers, namely: #1 PETE (such as soda bottles) and #2 HDPE (such as milk, spring water, and detergent bottles).

**RECREATION AREAS** – All recreation fields, playgrounds, parks, baseball fields, softball fields, soccer fields, basketball courts, tennis courts, recreational structures and facilities, and all entrances and approaches thereto, all parking and adjoining or adjacent areas thereto.

**RECYCLING FACILITY(IES)** – A transfer facility established by the Township for the collection of Designated Recyclable Materials. On the date of this ordinance the only recycling facility is located at 120 Stable Road, Lehigh, Pennsylvania 18235.

**REFUSE** – Putrescible and nonputrescible solid wastes, both combustible and noncombustible, including ashes, cartons, boxes, excelsior, packing materials, rubber, leather, crockery, trash, rubbish and rubble and other such wastes which, when improperly disposed of, tend to create a danger to public health, safety or welfare or create unsightfulness.

**RUBBISH** – Any waste material including debris, garbage, junk and refuse.

**SOURCE SEPARATE or SOURCE SEPARATION** – The process of separating or the separation of, Designated Recyclable Materials from other solid waste where generated for the purpose of recycling.

**STEEL CANS** – The ferrous metal food or beverage containers commonly known as tin cans.

**STREET** – Street, avenue, boulevard, roadway, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians.

**TOWNSHIP** – Towamensing Township, Carbon County, Pennsylvania.

**Section 2. Littering and Dumping of Rubbish on Township Owned Property Prohibited.** Except for rubbish set out for collection pursuant to Towamensing Township Ordinance 80-2 entitled, "An Ordinance Providing for the Collection, Conveyance and Removal by the Township of Towamensing of Garbage, Rubbish and Ashes; Defining Meaning of Terms as Used in this Ordinance; Imposing Certain Duties Upon Householders and Others and Providing Penalties for Violations Thereof" and Section 3 below, no person shall cause Rubbish to be thrown, scattered, swept, dumped, or deposited into or upon Township owned property including Streets, Recreation Areas, Municipal Offices, and Recycling Facilities.

**Section 3. Recycling Facilities.** Designated Recyclable Materials may be deposited at Recycling Facilities during the posted hours that the Recycling Facilities are open, but only by persons who pay a fee for garbage pick-up to the Township and are not delinquent in the payment of their fee for garbage pick-up at the time the Designated Recyclable Materials are deposited at the Recycling Facility.

- Section 4. Prohibited Dumping at Recycling Facilities.** No person shall deposit Rubbish, other than Designated Recyclable Materials, at a Recycling Facility.
- Section 5. Deposit of Designated Recyclable Materials at Recycling Facilities.** Except as provided in section 3 above, and any rules or regulations adopted pursuant to Section 7 below, no person shall deposit Designated Recyclable Materials at a Recycling Facility.
- Section 6. Prohibition of Interference With or Removal of Designated Recyclable Materials.** Except for authorized Township personnel, no person shall interfere with, scatter, or remove the contents of any dumpster, container, or other receptacle located at a Recycling Facility.
- Section 7. Authorization to Promulgate Additional Rules, Delete Existing Rules.** The Board of Supervisors of Towamensing Township is authorized to establish additional rules and regulations, delete existing rules and regulations, or otherwise change, amend or alter the rules and regulations by resolution duly adopted by the Board of Supervisors of Towamensing Township.
- Section 8. Enforcement.** This ordinance shall be enforced by the Board of Supervisors of the Township, or a person designated by resolution duly adopted by the Board of Supervisors of Towamensing Township.
- Section 9. Penalties for Violation.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than one thousand dollars (\$1,000.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues after notice shall constitute a separate offense.
- Section 10. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
- Section 11. 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 parts of this ordinance. It is hereby declared as the intent of the Board of Towamensing Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
- Section 12. Effective Date.** This ordinance shall become effective on February 14, 2019.

Enacted and ordained this 7th day of February, 2019.

**BOARD OF SUPERVISORS  
TOWNSHIP OF TOWAMENSING**

Henry L. Kleintz

ATTEST:

Kim D. Clever

[Signature]

