

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 222-02-18

AN ORDINANCE OF LOWER NAZARETH TOWNSHIP, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE PROVISIONS OF AND READOPTING THE LOWER NAZARETH TOWNSHIP ORDINANCE 198-01-10, ESTABLISHING A MANDATORY RECYCLING PROGRAM; GOVERNING THE COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE; PROVIDING DEFINITIONS; PROVIDING FOR RULES AND REGULATIONS TO ADMINISTER THE PROGRAM; PROVIDING FOR 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, on January 27, 2010, the Board of Supervisors of Lower Nazareth Township, by Ordinance No. 198-01-10, established a mandatory recycling program governing the collection, storage, transportation, and processing and disposal of municipal solid waste within the Township; and

WHEREAS, amendments to the enabling legislation and experience have necessitated updating and revising the provisions contained therein.

NOW, THEREFORE, the Board of Supervisors of Lower Nazareth Township, pursuant to the authority granted it by the Second Class Township Code, do hereby ordain as follows:

CHAPTER 5. PUBLIC HEALTH

Municipal Solid Waste - Recycling and Collection

PART I - GENERAL

5.31. SCOPE

This Ordinance shall provide a mandatory recycling program and govern all aspects of the collection, storage, transportation, processing, and disposal of municipal solid waste, in Lower Nazareth Township. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal, and institutional establishments, and community activities.

5.32. PURPOSE

- A. An Ordinance to establish a program for the mandatory source separation and separate collection of designated recyclable materials from residences and properties receiving municipal waste collection services within the Township of Lower Nazareth, for recycling purposes; to prohibit the disposal of designated recyclable materials into the conventional municipal waste disposal system; to empower the Township to promulgate and adopt reasonable rules and regulations therefore, and to fix penalties for violation thereof of this Ordinance.
- B. Otherwise promote the purposes and goals set forth in the Act.

5.33. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. **Agent** - One who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefore).
- B. **Aluminum Cans** - empty, all-aluminum beverage and food containers.
- C. **Authorized Collector** - An individual or corporation authorized by the Commonwealth of Pennsylvania to transport or collect municipal solid waste and/or municipal recyclables.
- D. **Bi-metallic cans** - empty food or beverage containers consisting of both steel and aluminum.
- E. **Chipboard/Cardboard** - a non-corrugated paperboard used for backing sheets on padded writing paper, partitions within boxes, shoe boxes, cereal boxes, and the like.
- F. **Collector** - any person who collects municipal waste or recyclables and transports to an authorized disposal site.
- G. **Commercial** - of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business, or establishment.
- H. **Commercial Establishment** - any establishment engaged in a non-manufacturing or non-processing business including, but not limited to, farms, stores, markets, office buildings, restaurants, shopping centers, apartment buildings with four (4) or more units, theaters, churches, mobile home parks, condominiums and townhouses, or a similar type of development.
- I. **Commingled Recyclables** - recyclables mingled or blended together placed in the same container.
- J. **Community Activity** - an activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefore.

- K. **Composting** - the process of the biological decomposition of organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.
- L. **Corrugated Paper** - structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.
- M. **Curbside Collection** - a method of collection of residentially generated municipal waste and/or residentially generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside at times designated by the haulers, for collection and removal by a collector thereof for delivery to a recycling center.
- N. **Disposal** - the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof, enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.
- O. **Disposal Area** - any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.
- P. **Garbage** - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- Q. **Glass Containers** - all empty food and beverage jars or bottles, the product being transparent or translucent (either clear, green or brown).
- R. **Hauler** - any collector.
- S. **Industrial Establishment** - any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.
- T. **Institutional** - of or pertaining to any establishment engaged in service to persons including, but not limited to, hospitals, group homes, nursing homes, schools, universities, churches, and social or fraternal societies and organizations.
- U. **Landlord** - the owner of a rental residential property, or such owner's authorized agent.
- V. **Leaf Waste** - shall mean leaves from trees, bushes and other plants, garden residue, chipped shrubbery, and chipped tree trimmings, but not including grass clippings.
- W. **Magazines** - printed matter, also known as periodicals, containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.
- X. **Multi-Family Dwelling** - a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains five (5) or more dwelling units.

- Y. **Municipal** - of or pertaining to any office or other property under the control of any branch or arm of the federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to Lower Nazareth Township, any counties, cities, boroughs, townships, and municipal authorities.
- Z. **Municipal Waste** - any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semi-solid, or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments or from community activities and which are not classified as residual or hazardous waste. The term does not include source-separated recyclable materials.
- AA. **Municipal Waste Landfill** - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.
- BB. **Newspaper** - paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term newspaper expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper, any other paper products of any nature.
- CC. **Person** - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.
- DD. **Plastic Containers** - empty plastic food and beverage containers, the specific types of which are PET (e.g., soft drink bottles) and HDPE (e.g., milk and water jugs, detergent and shampoo bottles) be designated by resolution of the Lower Nazareth Township Supervisors.
- EE. **Recyclables** - materials designated as recyclable in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled.
- FF. **Recycling** - the separation, collection, processing, recovery, and sale or re-use of metals, glass, paper, plastics and other materials which would otherwise be disposed of as municipal waste.
- GG. **Recycling Facility** - a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement

to virgin raw materials. The term recycling facility shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include:

- (1) any composting facility.
- (2) methane gas extraction from a municipal waste landfill.
- (3) any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste.
- (4) any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.

HH. **Residential** - of or pertaining to any dwelling unit used as a place of human habitation and which is not commercial, municipal, institutional, or a community activity. Home occupations incidental to a residential use within a building are considered residential.

II. **Residential Customer** - any person generating municipal waste from a Residential Establishment located within Lower Nazareth Township.

JJ. **Residential Establishment** - any premises in Lower Nazareth Township utilized primarily as a residential dwelling unit, but excluding apartment buildings containing five (5) or more units, condominiums and townhouses or a similar type of development.

KK. **Resource Recovery Facility** - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to useable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy. The term does not include:

- (1) any composting facility.
- (2) methane gas extraction from a municipal waste landfill.
- (3) any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste.
- (4) any facility, including all units in the facility with a total processing capacity of less than 50 tons per day.

LL. **Rubbish** - shall mean solid waste (e.g., non-recyclable glass, metal, paper or plastic) exclusive of garbage and non-compostable plant material, wood, or non-putrescible solid waste.

- MM. **Steel Cans** - empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.
- NN. **Storage** - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one month constitutes disposal. This presumption can only be overcome by clear convincing evidence to the contrary.
- OO. **Township** - Lower Nazareth Township, Northampton County, Pennsylvania.
- PP. **Transportation** - the off-site removal of any municipal waste at any time after generation thereof.
- QQ. **Waste** - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Resources for beneficial use.
- RR. **Yard Waste** - whole, unchipped, shrubbery, bushes (no roots) and tree branches, but not including grass clippings.
- SS. **Bulky Yard Waste** – tree trimmings less than 4 inches in diameter.

5.34. **DUMPING/LITTER**

It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding, or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream, body of water or on any public right-of-way within the Township.

Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in any appropriate receptacle any municipal waste, recyclables, or other debris deposited or accumulated on the sidewalk or gutter in front of or adjacent to such property. All owners or operators of commercial, industrial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposit and accumulation of debris in front of their premises, and in furtherance of that end, may place appropriate waste containers on the sidewalks in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.

Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural waste, provided such activities are conducted in accordance with all applicable law, rules and regulations.

Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located, if it is located on private property.

All property owners have the responsibility to contract for waste removal and keep records of said contract for at least one year. Upon request of the Township an individual has 72 hours to produce the contract with the hauler.

PART II - RECYCLING

5.35. SEPARATION OF RECYCLABLES

- A. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions:
1. Owners and occupants of all residential properties, as described herein, shall separate from municipal solid waste at minimum the following recyclables: clear, brown and green glass containers, aluminum and bi-metal containers, plastic containers, newspapers, cardboard/corrugated paper and magazines (as described in this ordinance). The glass, plastic and cans may be commingled in one container. Individual recycling haulers may require these items to be separated. The newspapers, cardboard/corrugated paper and magazines shall be separated from each other and the commingled materials and shall be either tied or placed in brown type grocery bag.
 2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall commingle the following recyclables: clear glass, brown glass, green glass, plastic containers and aluminum and bi-metal cans. Corrugated paper and high-grade office paper shall be bundled, tied, bailed or placed in a container, and placed with recyclables.
 3. From time to time, the Township Supervisors may, by Resolution, enumerate alternative and/or additional recyclables which will be required to be separate from municipal waste and collected in accordance with this Ordinance.
 4. This Ordinance shall not impair or prohibit a hauler from collecting recyclables not provided for herein.
 5. Containers used for the storage of recyclables shall be made of metal, plastic or fiberglass construction; rust and corrosion resistant and waterproof. All such containers shall be clearly marked "RECYCLABLES." Minimum letter size shall be 4" high and ½ " thick in a color contrasting to the container.
 6. Leaf waste, as defined in this Ordinance, shall be separated from municipal solid waste and recycled as prescribed in Section 5.40.

7. Yard waste may be separated and recycled as prescribed in Section 5.41.
8. All property owners have the responsibility to contract for waste removal and keep records of said contract for at least one year. Upon request of the Township an individual has 72 hours to produce the contract with the hauler. Any person who opts to collect and remove their own waste shall keep records of waste slips for at least one year and has 72 hours to produce the waste slips if requested by township officials.

5.36. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FROM RESIDENTIAL (OTHER THAN MULTI-FAMILY HOUSING OF 4 UNITS OR LESS) PROPERTIES

- A. For residential properties other than multi-family dwellings, all recyclables which are required to be kept separate from municipal waste in residential properties shall be placed at curbside or an appropriate location on the premises to be collected at times designated by the hauler. The frequency of such collection shall be not less than twice per month.
- B. The recyclables are to be collected by a hauler once it is placed at curbside or location designated by the hauler.

5.37. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FROM MULTI-FAMILY HOUSING PROPERTIES (GREATER THAN 4 UNITS) EXCEPT LEAF AND YARD WASTE

For multi-family dwellings, all recyclables which are required to be kept separate from municipal waste in residential properties shall be picked up by a hauler separately from municipal waste, in a pre-arranged manner. If any recyclables are picked up, then all recyclables generated at the property shall be made available for collection.

The landlord or Board of Directors of every multi-family dwelling shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property comply with the requirements of this Ordinance governing separation and disposal or placement for removal of recyclables in multi-family dwellings. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such properties, and shall provide suitable containers consistent with Section 5.35.A.5 above.

The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.

Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements relative to the multi-family dwellings shall not be liable for the noncompliance of occupants of their building.

5.38. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FROM COMMERCIAL, MUNICIPAL, INSTITUTIONAL AND COMMUNITY ACTIVITIES EXCEPT LEAF AND YARD WASTE

All recyclables which are required to be kept separate from municipal waste, in commercial, municipal, and institutional establishments and properties and community activities shall either be delivered directly to a recycling center, or shall be picked up by a hauler separately from municipal waste, in a pre-arranged manner. If any recyclables are picked up, then all recyclables generated at the property shall be made available. Commercial, municipal, and institutional establishments and community activities shall not place recyclables within the public right-of-way for curbside collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multi-family housing properties.

5.39. RECYCLING REPORTS

A. The hauler shall submit the recycling report and weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken quarterly. For purposes of submitting such weigh slips and Recycling Reports to the Township, the collector who removed the recyclables from the property shall be responsible for completing and submitting such to the Township. Each such quarterly Report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar-year basis, thus: January through March; April through June; July through September; and October through December.

An approved method of estimation (i.e. percentage) may be used to determine tonnage for recycling reports.

5.40. DISPOSAL OR PLACEMENT FOR REMOVAL OF LEAF WASTE MATERIALS

Leaf waste collection program shall include all residential, commercial, municipal, and institutional properties within the Township. The material shall be deposited along the curb for pick-up by the Township or their designated collection contractor. The Township will establish rules and procedures for the collection of leaf waste. These rules and procedures may be amended, by motion of the Board of Supervisors, from time to time.

5.41. DISPOSAL OR PLACEMENT FOR REMOVAL OF YARD WASTE MATERIALS

Recycling of yard waste, as defined in this Ordinance, is voluntary and is available only to residential property owners or tenants. The Township will establish rules and procedures for the collection of yard waste. These rules and procedures may be amended, by motion of the Board of Supervisors, from time to time. This program requires delivery of materials to the Township designated recycling drop-off center.

The Township will also provide curbside yard waste removal twice a year, once in the spring and once in the fall. Bulky waste removal will also be offered at this time as a "call in" program. Residents will be responsible for calling and scheduling a prearranged pick up time with the Township.

5.42. PRESUMPTION OF OWNERSHIP OF MUNICIPAL WASTE AND RECYCLABLES

The presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption, for the purposes of this Ordinance, that said municipal waste or recyclables are the property of the person whose name is found therein.

PART III - MUNICIPAL WASTE

5.43. PREPARATION AND STORAGE OF MUNICIPAL WASTE

Any person accumulating or storing municipal waste on private or public property in the Township for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:

- A. Containers used for the storage of municipal waste shall be made of metal, plastic or fiberglass construction; rust and corrosion resistant, equipped with lids and waterproof.
- B. No person shall place, store, collect, transport or dispose of municipal waste generated at their residence in any container for municipal waste located at a different property than the residence where the municipal waste was first generated. No person shall permit the placement, storage, collection, transport or disposal of municipal waste generated at another location other than at their residence.

5.44. REQUIRED COLLECTION AND HOURS OF COLLECTION

If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum of every fourteen (14) days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly, or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this Ordinance. Any person who opts to collect and remove their own waste shall keep records of waste slips for at least one year and has 72 hours to produce the waste slips if requested by township officials.

In residential areas, collection shall commence no earlier than 6:00 A.M., and shall not occur after 4:00 P.M. prevailing time. Waste/recycling containers may be put out at curbside no earlier than 5:00 P.M. the day prior to collection and shall not be curbside more than 24 hours.

No person other than a contracted hauler shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the hauler who is to collect such waste.

Nothing herein shall limit the right of the Township to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by law.

All collections for those who contract with a hauler are required to do so at a minimum of every fourteen (14) days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly, or potentially harmful to the public health.

Nothing in this section shall modify the requirement in this Ordinance pertaining to separation and disposal of recyclables. Nothing in this section shall impair the ability of the Township to provide a system of placement for removal and public collection of leaf waste, or the Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

5.45. TRANSPORTATION OF MUNICIPAL WASTE

Any person transporting municipal waste within the Township shall prevent or remedy any spillage or leakage/prevention of leakage from vehicles or containers used in the transport of such municipal waste.

All persons collecting municipal waste shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.

The transfer of waste from one collection vehicle to another may not take place in the Township, except on private property in those areas of the Township designated for such by the Township, if any. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter, or in any other manner constitute a nuisance, create a health hazard, or violate any other Ordinance of the Township or provision of statutory law.

5.46. PUBLIC LITTER BASKETS

The Township is hereby authorized to collect municipal waste from the Township property, to provide public litter baskets on Township owned properties and to dispose of such waste in either a receptacle of a hauler or at designated disposal sites.

5.47. BURNING RECYCLABLES

The burning of recyclables and municipal waste is prohibited.

PART IV – COLLECTOR’S DUTIES

5.48. DUTIES

All haulers shall have an affirmative duty to follow and conduct themselves in accordance with the requirements of this Ordinance, any failure of which shall be a violation of this Ordinance.

5.49. HAULERS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR RESIDENTIAL, MULTI-FAMILY HOUSING, COMMERCIAL, MUNICIPAL, AND INSTITUTIONAL ESTABLISHMENTS AND PROPERTIES.

Every hauler shall be required to provide to its multi-family residential, commercial, municipal, and institutional establishments recyclable removal service at the curbside or an appropriate location on the premises. Any such recyclables so removed by haulers shall be kept separate from municipal waste, and shall be taken to a recycling facility for the purpose of recycling.

Any hauler providing service within the Township is required to provide proof of curbside recycling service to a resident if requested by the Township.

5.50. DESIGNATION OF RECYCLING FACILITY

The Township reserves the right by resolution to direct recyclables to a designated facility.

5.51. HAULERS NOT TO ACCEPT UNLAWFULLY DISPOSED OF RECYCLABLES

No hauler shall accept, pick up, or remove any bag or other container of municipal waste which the hauler knows, or has reason to believe, contains recyclables, combined with municipal waste. Upon discovery of such recyclables combined with municipal waste placed at curbside or otherwise placed for pick up, the hauler shall affix a tag or sticker to the container containing the recyclables.

5.52. COMPLAINTS

All complaints regarding collection of recyclables or municipal waste shall be reported to the Collector.

5.53. COMMUNITY ORIENTED CHARITABLE ACTIVITIES

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized collector. Prior to initiating such activity the organization shall obtain authorization from the Township.

PART V - MISCELLANEOUS PROVISIONS

5.54. PLACEMENT OF CONTAINERS FOR COLLECTION

All municipal waste accumulated by the owners or occupants of each residential property or establishment shall be placed in containers for collection. The containers shall be located so as to be accessible to the collector at ground level and at a point of the curb line of the street or within ten (10) feet of the public street or alley curb line from which collection is to be made. Haulers may designate locations for placement that are mutually convenient to them and the property owner/resident. Containers shall be placed out for collection not earlier than 5:00 P.M. on the day prior to the scheduled collection.

5.55. SOLID WASTE REGULATIONS

The Township Board of Supervisors shall have the right to adopt resolutions establishing regulations to effectuate and clarify the municipal waste disposal provisions of this Ordinance. These regulations shall have the full force and effect as though they were set forth in this Ordinance.

5.56. MUNICIPAL WASTE COORDINATOR

The Board of Supervisors may from time to time adopt a resolution establishing a township official to serve as the Municipal Waste and Recycling Coordinator. Said official shall have the responsibility to coordinate the township municipal waste program. The Municipal Waste Coordinator shall also prepare any necessary revisions to the municipal waste and recycling regulations, for review and approval by the Board of Supervisors.

5.57. UNLAWFUL ACTIVITIES

- A. It shall be unlawful for any person to violate any provision of this Ordinance or any provisions of the regulations adopted pursuant to this Ordinance.
- B. No person shall scavenge, remove, take, scatter or disturb municipal waste which has been placed by another person at the curbside for collection by hauler pursuant to the curbside collection program.

5.58. VIOLATION AND PENALTY

- A. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and costs of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days. Provided: each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For purposes of this section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.
- B. In addition to other remedies, the Township shall have the right to institute and maintain appropriate actions by law or in equity to restrain, correct or abate any violations of this Ordinance or regulations adopted pursuant to this Ordinance.

5.59. SEVERABILITY

In the event any of the provisions of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a Court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall continue in full force and effect as though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof.

5.60. CONSTRUCTION

The various headings used throughout this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance. In this Ordinance, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

5.61. REPEALER

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 Nazareth Township Ordinance 198, which is amended and reinstated in its entirety by this Ordinance. All other provisions of the ordinances, resolutions and/or other regulations of the Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania shall remain in full force and effect.

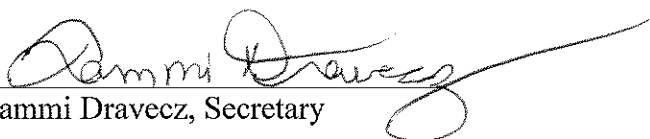
5.62. EFFECTIVE DATE

This Ordinance shall be in full force and effect on a date designated by the Board of Supervisors of Lower Nazareth Township by Resolution with ninety (90) days' notice to the public.

DULY ENACTED AND ORDAINED into an Ordinance this 28 day of February, 2018, by the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Pennsylvania at a duly advertised meeting of the Board of Supervisors at which a quorum was present. As a 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.

ATTEST:

LOWER NAZARETH TOWNSHIP



Tammi Dravec, Secretary



James Pennington, Chair
BOARD OF SUPERVISORS

(SEAL)