

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**"SOLID WASTE MANAGEMENT AND RECYCLING ORDINANCE"**

**ORDINANCE NO. 03-186**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP BY ADDING A NEW CHAPTER 128 ENTITLED "SOLID WASTE MANAGEMENT" WHICH INCLUDES DEFINITIONS; ADOPTION OF THE SOLID WASTE MANAGEMENT RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; APPLICABILITY TO MUNICIPALITY; COLLECTOR PERMIT REQUIREMENTS; REGULATION OF COLLECTORS; REGULATION OF COLLECTION VEHICLES; REQUIRING IDENTIFICATION ON COLLECTOR'S VEHICLES; ESTABLISHING TIMES OF COLLECTION AND PLACEMENT OF CONTAINERS; ESTABLISHING PROPER GARBAGE PREPARATION AND STORAGE PRACTICES; PROHIBITING THE TREATMENT AND/OR COLLECTION OF MUNICIPAL WASTE NOT GENERATED IN THE TOWNSHIP; REGULATING REMOVAL OF CONTAGIOUS REFUSE; PROHIBITING PRIVATE DUMPS AND LANDFILLS; PERMITTING COLLECTION BY TOWNSHIP AT ITS DISCRETION; PERMITTING FUTURE RULES AND REGULATIONS TO BE PROMULGATED BY TOWNSHIP; ABATEMENT OF NUISANCE REQUIREMENTS AND PENALTIES FOR VIOLATIONS OF CHAPTER; AND AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP TO ADD A NEW CHAPTER 116 ENTITLED "RECYCLABLE MATERIALS MANAGEMENT" WHICH INCLUDES DEFINITIONS; LEGISLATIVE INTENT; PROGRAM RESPONSIBILITIES OF TOWNSHIP; RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS; DELEGATION OF PROGRAM RESPONSIBILITIES BY TOWNSHIP; DESIGNATION OF RECYCLABLE MATERIALS; COLLECTION PROCEDURES OF RECYCLABLE MATERIALS; PROCESSING AND MARKETING OF RECYCLABLE MATERIALS; ESTABLISHING OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE; ALTERNATE RECYCLING ACTIVITIES; PROPER HANDLING OF LEAF WASTE; RECORD-KEEPING BY COLLECTORS; ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE CHAPTER; INTERPRETATION; MODIFICATIONS; AND IMPLEMENTATION BY WASTE COLLECTORS.**

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It is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Worcester Township

as follows:

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township are hereby amended by adding a new Chapter 128 entitled "Solid Waste Management" as follows:

**CHAPTER 128  
SOLID WASTE MANAGEMENT**

§128.1 SHORT TITLE.

This chapter shall be known as the "Township Solid Waste Management Ordinance."

§128.2 DEFINITIONS.

As used in this chapter:

- (a) "Act" means the Solid Waste Management Act, Act of July 7, 1980, 380, No. 97, as amended, 35 P.S. Section. 6018.101 et seq.
- (b) "Bulky waste" means large items of refuse including, but not limited to, appliances, furniture, large auto parts, trees, branches and stumps which cannot be handled by normal solid waste processing, collection or disposal methods.
- (c) "Collector" means any person or entity collecting or transporting municipal waste and/or recyclable materials for owners or occupants of property in the Municipality, including the Municipality itself, if it undertakes the collection of municipal waste.
- (d) "Disposal" means incineration, disposition, injection, dumping, spilling, leaking or placing waste into or on the land or water in such a manner that the waste or a constituent of the waste enters the environment, is emitted into the air or is discharged into the waters of the Municipality.
- (e) "Facility" means the site where municipal waste is disposed of, as designated by the Municipality or by the proposed contractor, including all associated property and equipment.
- (f) "Garbage" means the animal or vegetable refuse from the storage, vending, sale, preparation or use of foodstuffs, such as meats, fish, fruits or vegetables or other domestic refuse.
- (g) "Hazardous waste" means any garbage, refuse or sludge from an industrial or other waste treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from Municipal, commercial, industrial, institutional, mining or agricultural operations from community activities or any combination of the above, but not including solid or dissolved materials, domestic sewage or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act OF 1948 (33 U.S.C. §§1151 et seq.) as amended, or source special nuclear or by-product material as defined by the U.S. Atomic Energy Act of 1954 (42 U.S.C. §§2011 et seq.), as amended, which because of its economy, concentration or physical, chemical or infectious characteristics may:
  - (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
  - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (i) "Industrial establishment" means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

- (j) "Institutional establishment" means any establishment engaged in servicing, including, but not limited to, hospitals, nursing homes, life care facilities, churches, orphanages, schools and universities.
- (k) "Management" means the entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid waste by any person engaging in such process.
- (l) "Municipal waste" means any garbage, refuse, industrial lunch room or office waste or other material, including solid, liquid, semisolid or contained gaseous material resulting from operations of residential, Municipal, commercial or institutional establishments and from community activities and including any sludge not meeting the definition of "residual waste" or "hazardous waste" under this section for Municipal, commercial or institutional water supply treatment plants, wastewater treatment plants or, air pollution control facilities.
- (m) "Municipality" means Worcester Township.
- (n) "Permit" means the issuance to any collector for the right to manage municipal waste within the Municipality.
- (o) "Permittee" means anyone issued a permit by the Municipality under this chapter.
- (p) "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, the Federal government or any agency thereof, State institution agencies (including, but not limited to, the Department of General Services, Public Schools and Authorities) or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. For any provision of this chapter prescribing a fine, imprisonment or penalty, or any combination thereof, "person" includes the officers and directors of any corporation or of any other legal entity that has officers and directors.
- (q) "Processing" means any technology used for the purpose of reducing the volume or bulk of waste or converting or separating waste for off-site re-use. Processing facilities include, but are not limited to, transfer, composting and resource recovery facilities.
- (r) "Refuse" means all material which is discarded as useless.
- (s) "Residual waste" means any garbage or other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial or agricultural operations and including any sludge from any industrial or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous waste.
- (t) "Sanitary landfill" means a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.
- (u) "Solid waste" means any waste, including, but not limited to, municipal, residual or hazardous waste, and including solid, liquid, semisolid or contained gaseous materials.

### §128.3 ADOPTION OF RULES AND REGULATIONS.

All applicable rules and regulations set forth in Title 25 of the Pennsylvania Code (Environmental Protection), are hereby adopted as the controlling rules and regulations regarding all municipal waste activities within the Municipality. In the event of a conflict between such rules and regulations and any of the provisions of this chapter, the rules and regulations shall take precedence.

### §128.4 APPLICATION TO MUNICIPALITY.

Nothing in this chapter shall prohibit the Municipality from becoming a collector for the purpose of this chapter.

#### §128.5 COLLECTION PERMITS.

(a) No person shall act as a collector in the Municipality without first obtaining a permit therefor from the Municipality. The fee for such permit shall be established, from time to time, by the Board of Supervisors.

(b) The Municipality shall issue duplicate permits for each vehicle identified on the permit application. Permits shall be valid from February 1 to January 31 of each calendar year or the remaining portion of the year until the following January 31. Each permit shall be permanently affixed to both sides of the cab of each vehicle, in full view. Any permit which is excessively maimed, defaced or otherwise rendered unidentifiable shall be declared void, in which case a new permit must be applied for.

(c) No permittee shall transfer, assign or in any way alter a permit, except with the written approval of the Municipality.

#### §128.6 REGULATION OF COLLECTORS.

(a) Pursuant to the authority vested by Section 202 of the Pennsylvania Solid Waste Management Act of 1980, Act 97, as amended, any person collecting municipal waste in the Municipality from any residential, commercial or industrial generator thereof shall annually, on or before January 30, submit information to the Municipality listing the type of waste collected, the quantity and manner of transportation thereof and the manner, location and ultimate disposal thereof, including, but not limited to, any processing, transfer or temporary storage thereof, in the interim. Such information shall be supplied for the prior calendar year, and there shall also be an estimate of the same information for the current calendar year. The collector shall notify the Municipality, in writing, of any change of disposal site or type of waste within ten days of the change. Submission of such information shall be upon a form established by regulations adopted by a resolution of the Municipality. No person may engage in collection of municipal waste in the Municipality without providing all such information as required.

(b) A collector shall be responsible for receiving municipal waste from properties in the Municipality pursuant to contracts between the collector and the owners or occupants of the properties. All collectors shall dispose of all municipal waste at the facility designated by the Municipality in compliance with such reasonable rules and regulations for operation of the facility as may be established by the facility. Disposal at any other place shall be a violation of this chapter and cause for revocation of the collector's permit, except in special circumstances approved in advance by the facility. Such approval must be for disposal at an approved facility in accordance with the rules and regulations of the Department of Environmental Protection. The operations of all collectors shall comply with regulations of the Municipality and with all applicable laws. Violation of such regulations or laws shall be cause for the revocation of the collector's permit upon such notice as the Municipality may determine to be reasonable.

(c) Before any permit is granted, an applicant shall produce a certificate of insurance showing that the insurance provided for in this subsection is carried in the specified amounts and has been obtained from a reputable company, satisfactory to the Municipality, or shall file a self-insurance certificate as issued by the Department of Labor and Industry and the Department of Revenue of the Commonwealth. Such certificates shall specify that the contractual liability required under this chapter is covered and that the coverage will not be cancelled or changed without thirty days prior notice to the Municipality. The following insurance shall be carried and maintained by collectors:

- (1) Worker's compensation insurance for all employees;

(2) Automobile liability insurance in the amount of one million dollars (\$1,000,000), combined single limit bodily injury and property damage; and

(3) General liability insurance in the amount of one million dollars (\$1,000,000) bodily injury and one million dollars (\$1,000,000) property damage.

The permittee shall hereby agree to indemnify and save harmless the Municipality against any and all liability, demands, actions or damages, claims, costs or expense which the Municipality may hereafter incur, suffer or be required to pay by reason of or arising out of any work done or action taken under either the application or the permit.

(4) Each and every policy of insurance herein mentioned which is required pursuant to the terms of this chapter shall carry with it an endorsement to the effect that the insurance carrier will transmit to the Township, by certified mail, written notice of any modifications, alterations or cancellation of any policy or policies or the terms thereof. The above mentioned written notice shall be mailed to the Township at least ten days prior to the effective date of any such modification, alteration or cancellation.

#### §128.7 COLLECTION VEHICLES.

All vehicles used for collection and transportation of municipal waste shall comply with all safety regulations of the Commonwealth. All vehicles used for collection of municipal waste and garbage shall be equipped with a closed body and shall be watertight and approved by the Municipality. Open type vehicles may be used for bulky waste. Such vehicles shall not be overfilled so as to cause the waste to be spilled therefrom, shall be cleaned at such intervals as necessary to prevent a nuisance from odors and shall be kept in good repair and order. Any waste that may be spilled in transit in the course of collection shall be promptly and completely cleaned up by the collector.

#### §128.8 IDENTIFICATION OF VEHICLES.

The collector's name and address as well as the tare weight of the collection vehicle shall be painted on both sides of the vehicle in letters not less than three inches high. Where rollofs are used, the tare weight of both the truck and the container shall appear on the truck and the rolloff container.

#### §128.9 TIMES OF COLLECTION; PLACEMENT OF CONTAINERS.

Municipal waste shall be collected at least once a week as the contractual arrangement between the homeowner, householder or lessee and the collector may provide. Times of collection may be established by resolution of the Board of Supervisors. Municipal waste containers shall, for the purpose of collection, be placed at ground level and shall be readily accessible to the collector.

#### §128.10 GARBAGE PREPARATION AND STORAGE PRACTICES.

The following standards shall be adhered to in the preparation or storage of garbage:

(a) Preparation. No more water shall be permitted in garbage than has naturally accumulated from table refuse.

(b) Storage.

(1) The owners or occupants of dwellings, apartments or other residential units and the owners or occupants of other places where garbage is produced shall provide and maintain containers, as specified in paragraphs (b)(3) and (4) hereof, for the storage of all garbage accumulated on the premises. A sufficient number of such containers shall be maintained for each premises as shall be sufficient to contain normal accumulation of garbage between the intervals of collection.

(2) The Municipality may by resolution make additional rules and regulations concerning garbage preparation, storage and collection practices.

(3) Containers shall be made of non-water absorbent material and shall be equipped with lids of nonabsorbent material. Such containers shall be watertight, prevent the entry of flies and shall be kept in good repair at all times.

(4) No person shall permit the accumulation of residual liquids or solids on the bottom or sides of garbage containers. The interior of containers shall be kept clean by thoroughly rinsing and draining as often as necessary.

(5) No person shall accumulate garbage longer than seven days. No person shall place garbage at a curbside sooner than twenty-four hours before the scheduled collection time.

(6) No person shall deposit or permit the deposit of garbage on the ground, on the public streets or alleys or in any body of water in the Municipality.

#### §128.11 GEOGRAPHICAL RESTRICTIONS.

Treatment of any municipal waste generated in another municipality is prohibited.

#### §128.12 REMOVAL OF CONTAGIOUS REFUSE.

The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the County Health Officer. No person shall place such refuse in containers for regular collections.

#### §128.13 PRIVATE DUMPS AND LANDFILLS.

No person shall use or permit to be used any property owned or occupied by him or her within the Municipality as a public or private dump or landfill for municipal waste, whether generated within the Municipality or elsewhere.

#### §128.14 FUTURE RULES AND REGULATIONS.

The collection of municipal waste in the Municipality shall be subject to such additional rules and regulations as are passed by resolution from time to time and promulgated by the Board of Supervisors, including, but not limited to, regulations of the permit, permit fee and permit application. However, no such rules or regulations shall be contrary to this chapter or other applicable law.

#### §128.15 ABATEMENT OF NUISANCES.

In addition to the penalty provided for in Section 128.16, any continued violation of any of the provisions of this chapter which constitutes a nuisance in fact or which, in the opinion of the Board of Supervisors, constitutes a nuisance, may be abated by a proceeding against the violators in a court of equity or by seeking other relief available to the Municipality, whether in equity or at law.

#### §128.16 PENALTY.

Any person or entity shall, upon being adjudged guilty of violating this Chapter before any Justice of the Peace having jurisdiction within Worcester Township, be sentenced as provided in Chapter 1, Article II, General Penalty.

## **SECTION II. Admendment to the Code**

The Codified Ordinances of Worcester Township are hereby amended by adding a new Chapter 116 entitled "Recyclable Materials Management" as follows:

### **CHAPTER 116 Recyclable Materials Management**

#### **§116.1 TITLE.**

This chapter shall be known as the "Municipal Waste Collection and Recycling Ordinance."

#### **§116.2 DEFINITIONS.**

(a) As used in this chapter, the following terms shall have the meanings indicated:

- (1) "Act 97" means the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq.
- (2) "Act 101" means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act of July 28, 1988, No. 101.1 as amended.
- (3) "Aluminum" means empty, all aluminum beverage and food containers, commonly known as "aluminum cans."
- (4) "Authority" means the Northern Montgomery County Recycling Commission which is established as provided for in Act 101.
- (5) "Bimetal cans" means empty food or beverage containers constructed of a mixture of ferrous metal, usually tin or steel, and nonferrous metal, usually aluminum.
- (6) "Corrugated paper" means paper products made of a stiff, moderately thick paper board, usually containing folds or alternating ridges, commonly known as "cardboard."
- (7) "DEP" means the Pennsylvania Department of Environmental Protection.
- (8) "Glass" means products made from silica or sand, soda ash and limestone; the product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.
- (9) "Grass clippings" means the material bagged or raked during or after the cutting of a lawn, field or similar grassed area. Leaf waste which contains grass clippings shall be considered grass clippings.
- (10) "High-grade office paper" means all types of white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.
- (11) "Household hazardous waste" means small quantities of hazardous waste (as defined in Act 97) available to a person or entity on a retail basis, such as pesticides, certain paints, aerosol cans and fertilizers.
- (12) "Leaf waste" means leaves, garden residues, shrubbery, tree trimmings and similar material, but does not include grass clippings.
- (13) "Magazines and periodicals" means printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.
- (14) "Mixed paper" means all types of paper combinations, such as colored paper, carbonless forms, ledger paper, paper envelopes, mixtures of high-grade office paper and the like.

(15) "Municipal waste" means any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous materials, resulting from 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 Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

(16) "Municipal waste collector(s)" means any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials in the North Penn area registered and licensed pursuant to this chapter and any regulations that may be established by resolution and adopted pursuant hereto, and pursuant to any intermunicipal agreement that may be subsequently executed by the township with the county or other municipalities. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

(17) "Newspaper" means paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

(18) "Person" or "entity" means any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal institution or agency, state institution or agency, other governmental agency, authority or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this chapter prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

(20) "Plastic containers" means empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

(21) "Recyclable materials" means materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to: clear glass, colored (brown or green) glass, aluminum, steel and bimetal cans, highgrade office paper, mixed paper, newspaper, corrugated paper and plastic containers.

(22) "Resident(s)" means any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties, which owns, leases or occupies a property located in the township used as a residence and having curbside collection of municipal waste.

(23) "Township" means Worcester Township.

(24) "White goods" means refrigerators, washing machines, clothes dryers, window air conditioners, hot water heaters and other major home appliances.

(b) All terms not separately defined in this chapter that are contained in Act 97 and Act 101 are incorporated herein by reference.

### §116.3 LEGISLATIVE INTENT.

(a) The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. It is the intent of this chapter to promote, require and regulate recycling activities in the township and to protect the health, safety and welfare of residents.



(b) This chapter has been developed to meet and implement municipal responsibilities established under Act 101.

(c) The Township's adoption of this chapter does not preclude the future assignment of its responsibility as it relates to the coordination, regulation and/or enforcement of recycling activities. Such assignment of responsibilities will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling.

#### §116.4 PROGRAM RESPONSIBILITIES OF TOWNSHIP.

(a) Licensing of the municipal waste collectors for recycling activities will be undertaken by the Township in conjunction with municipal waste collection and disposal licensing activities.

(b) In accordance with the responsibilities set forth in this chapter, the Township is authorized to establish rules and regulations related to the separation, collection, processing and marketing of recyclable materials and to enforce all such rules and regulations. The Township shall determine the recyclable materials to be separated by a person or entity and collected by the municipal waste collector. The Township may modify the list of recyclable materials to be separated by a person or entity and collected by the municipal waste collector by means of a resolution.

(c) The Township shall, in conjunction with the municipal waste collectors, be responsible for establishing an education program and together shall conduct and maintain a comprehensive public information program as follows:

(1) The Township shall include articles and information on recycling requirements and activities within regular newsletters or mailings to residents and businesses in the community.

(2) The municipal waste collectors shall, at least thirty days prior to the start of the recycling program and at least every six months thereafter, deliver or include with their invoices sent to customers, an information sheet on recycling. At the request of the municipal waste collectors, the Township will, as a service to the municipal waste collectors, provide facts relative to the requirements and operation of the recycling program that can be utilized in the aforementioned information sheet.

(d) The municipal waste collectors shall be responsible for obtaining all weight and volume quantity data. Said data shall be supplied to the Township on a quarterly basis and fourth quarter data shall be supplied to the Township by January 15 for the preceding year, so that the Township may submit reports in accordance with Act 101 and other applicable laws and submit applications for recycling performance grants.

(e) Each person or entity in the Township, as required by Act 101, shall be responsible for complying with the requirements of this chapter for the separation of recyclable materials. This shall include tenants and lessees occupying rented and nonowned property.

(f) Owners, landlords or agents of any leased or rented property, other than single-family type homes or single tenant occupied property, shall be responsible for publicly posting educational information provided by the Township and/or municipal waste collectors, providing appropriate recyclable material collection containers and providing for pick-up of such containers in accordance with this chapter. Owners, landlords or agents of a leased or rented property occupied by a single tenant may assign such responsibility to the tenant or lessee occupying a property, in writing or through a lease or rental agreement.

(g) In accordance with Section 1501(c)(1)(iii) of Act 101, the Township shall exempt persons occupying commercial, institutional and municipal establishments from the requirements of this chapter if they have otherwise provided for the recycling of materials designated by this chapter. To be

eligible for this exemption, the commercial, institutional or municipal waste generator must provide, on a quarterly basis, written documentation to the Township of the total quantity of each material recycled. Fourth quarter data shall be supplied to the Township by January 15 for the preceding year.

#### §116.5 RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS.

(a) Every person or entity desiring to engage in or wishing to continue engaging in the municipal waste collection business with regard to any property in the Township shall be required to first register with the Township. Such registration shall be effective for a period of one year beginning January 1 of each calendar year. Every person or entity desiring or continuing to engage in the municipal waste collection business shall register with the Township on or before December 1 to qualify as a registered municipal waste collector on January 1 of the following year and shall complete any forms or application materials as requested by the Township. Those municipal waste collectors registering with the Township to collect municipal waste and recyclable materials during the upcoming year must register with the Township on or before December 1 and said registration should be valid from January 1 to December 31 of the upcoming year.

(b) The collection equipment and transportation vehicles used for the collection of municipal waste within the Township shall be of the closed body type with an automatic compactor unit and said collection equipment and transportation vehicles shall be labeled to indicate the name of the municipal waste collector and shall further indicate that the vehicle is transporting municipal waste or recyclable materials. Said vehicles shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other type vehicles may be used only for the collection of recyclable materials and white goods provided such items are separately collected in accordance with regulations established by the Board of Supervisors of the Township by a resolution. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

(c) No person or entity shall be entitled to register with the Township as a municipal waste collector unless such person or entity can show certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance, and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts set forth in Section 128.6 of the Solid Waste Management Ordinance.

(d) Each municipal waste collector shall, on the first day of each calendar quarter, file a rate schedule with the Township showing the rates to be charged to its customers for the collection of municipal waste and recyclable materials. Such rate schedule shall not be changed by the municipal waste collector without first giving notice to the Township at least thirty days prior to the effective date of such change. Each municipal waste collector shall file a map with the Township on the first day of each calendar year, or upon changes of its routes, showing the areas of the Township in which it operates and a timetable setting forth the days of collection. Collections of municipal waste and recyclable materials by municipal waste collectors shall take place solely between the hours of 6:30 a.m. and 10:00 p.m.

(e) At the time of such registration, the municipal waste collector shall pay the Township a registration fee as shall, from time to time, be established by the Board of Supervisors of the Township by regulations established by a resolution. The municipal waste collector shall also pay a fee, established by the Board of Supervisors of the Township by regulations established by a resolution, for

each transportation vehicle that will be used in the Township to collect municipal waste or recyclable materials, which sum shall be used to offset the administrative and regulatory costs to the Township concerning municipal waste collection and recycling.

(f) The Collector shall be responsible for the bulk ordering and purchasing of recycling containers for residents. One recycling container shall be provided for each residential unit (with the possible exception of one container to serve two or more multi-family residential units) in the Township. Residents may use recycling containers other than those obtained from the Collector, provided said recycling containers are appropriately labeled or otherwise identified as containers for recyclable materials.

(g) Each municipal waste collector shall be responsible for complying with the requirements of this chapter for the collection, processing and marketing of recyclable materials.

#### §116.6 DELEGATION OF PROGRAM RESPONSIBILITIES BY TOWNSHIP

(a) Nothing in this chapter shall prohibit the Township from assigning a portion or all of its responsibilities under Act 101 and this chapter to another entity. Such assignment of responsibility will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling, municipal waste collector subscription service to individual customers, franchising or bidding of municipal waste collector services on a partial or community-wide basis, or municipal waste collector services provided by a Municipality.

#### §116.7 DESIGNATION OF RECYCLABLE MATERIALS.

(a) Every resident of the township shall be required to separate, at a minimum, newspaper, aluminum, clear glass, colored glass, bimetal cans and plastic products identified with either a #1 or a #2 for recycling. Commercial, municipal and institutional establishments shall be required to separate, at a minimum, high grade office paper and corrugated paper from municipal waste in addition to aluminum. The Township may require that residents and commercial, municipal and institutional establishments separate other recyclable materials by regulations established by resolution of the Board of Supervisors.

(b) Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law. Provisions for the collection or use of leaf waste shall be the responsibility of the municipal waste collectors as more fully set forth in Section 116.12.

(c) All occupants of single-family homes, townhomes, rowhouse-type residences and all other dwellings where individual municipal waste collection occurs, shall maintain a separate container of the type specified or provided by the Township or municipal waste collector to collect all designated recyclable materials in a comingled or modified comingled (e.g. different materials separated into brown paper bags and placed in the container) fashion, as established by the municipal waste collector. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at 6:00 p.m. on the evening prior to the day of scheduled collection, and the empty container shall be removed by 12:00 midnight on the day of scheduled collection. Newspapers may also be placed in brown paper, grocery store bags or bundled and tied, both across and lengthwise, with rope or cord and kept dry prior to collection, and placed at curbside with the recycling container. No such municipal waste containers or recyclable material

containers, including bundles of newspapers (other than containers supplied by municipal waste collectors) shall weigh more than 50 pounds, and containers or bundles shall not be placed in the cartway. Municipal waste placed at the curb or street line for collection must be in closed, waterproof containers.

(d) Owners or landlords of any multi-family residential units, such as apartments or condominiums where individual residential refuse collection does not occur, shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector and source-separated or comingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multi-family residential units who comply with the requirements of this section shall not be liable for the noncompliance of any person or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multi-family residential units shall be responsible for separating recyclable materials and placing them in the containers or dumpsters provided for such purposes.

(e) Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements in Subsection (d) hereof unless exempted under Section 116-4(i) or unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property. Such assignment may only occur, however, where a single tenant occupies the entire leased or rented property.

#### §116.8 COLLECTION OF RECYCLABLE MATERIALS.

(a) The municipal waste collector shall, in providing refuse collection and disposal services to a single-family residential home, also provide for the collection of recyclable materials. Where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection. Customers using once a month municipal waste collection must have recyclable materials collected at least once a month. Where a customer's designated day for the collection of recyclable materials falls on a holiday, the municipal waste collector shall collect recyclable materials on another day and shall notify those customers affected of that change. The municipal waste collector shall, prior to being licensed for municipal waste collection each year, provide proof to the township that the collection of recyclable materials by it can be undertaken in accordance with the requirements of this chapter.

(b) The collection of recyclable materials for all establishments, other than single-family residential homes, shall be on an as-required basis.

(c) No municipal waste collector shall be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.

#### §116.9 PROCESSING AND MARKETING OF RECYCLABLE MATERIALS.

(a) The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials. Such activities may be conducted by the municipal waste collector or any agent thereof, or a private entity conducting such business, a nonprofit entity able to undertake such effort, or any governmentally owned or operated facility capable of such functions.

(b) The municipal waste collector shall, prior to initiating processing and marketing activities, provide the township with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such

facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.

(c) The municipal waste collector shall, as part of its recording activities, provide a detailed listing of where the recyclable materials are sold or deposited and the weights of each of the recyclable materials so delivered. The municipal waste collector shall, upon request, and at the time of registration, provide the township with copies of applicable licenses or permits of the ultimate facility(ies) to which the recyclable materials will be delivered.

§116.10 OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE.

(a) All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in Section 116.11.

(b) It shall be a violation of this chapter for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in Section 116.11. Each unauthorized collection from one or more designated locations on one calendar day in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§116.11 ALTERNATE RECYCLING ACTIVITIES.

(a) Any person or entity may utilize alternative recycling methods, other than collection by a municipal waste collector, to accomplish the purpose of reutilizing recyclable materials. Recyclable materials may be donated or sold to any person or entity, whether operating for profit or not, provided that the recycler shall not utilize alternate recycling methods without prior written permission from the Township. Such materials must be delivered to the alternate recycling site or arrangements made with the alternate collector to pick up the recyclable materials at a time that will not interfere with the operations of the municipal waste collector. Each person or entity accepting recycled materials under this section must provide quarterly written documentation to the Township of the total quantity of each material recycled.

(b) The Township shall permit an alternative recycling program to be developed in accordance with Paragraph 1501(h) of Act 101 if the requirements of that paragraph can be complied with. The Township shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide quarterly written documentation to the Township of the total quantity of each material recycled.

§116.12 HANDLING OF LEAF WASTE.

(a) As part of the municipal waste collection service provided by the municipal waste collectors registered with the Township pursuant to this chapter, said municipal waste collectors shall provide leaf waste collection service, either by using their own vehicles and facilities or by making contractual arrangements with others to do so.

(b) Leaf waste collection shall be undertaken by municipal waste collectors in accordance with regulations of the DEP and leaf waste disposal shall be undertaken by municipal waste collectors in a DEP-approved facility or DEP-approved manner.

(c) All municipal waste collectors shall provide the Township with the location of the facility(ies) to which the leaf waste will be delivered. Such location shall be in accordance with the regulations of the Commonwealth of Pennsylvania and the DEP. The disposal of noncomposted leaf waste at a sanitary landfill or waste-to-energy facility is strictly prohibited.

(d) The methodology for separating and collecting leaf waste shall be established by the municipal waste collectors and by the Township. All municipal waste collectors shall provide the Township with a leaf waste collection/disposal plan, setting forth information as to their expected leaf waste collection and disposal service to their customers, on or before July 31 of each year, and the Township shall have the right to deny any municipal waste collector additional collection privileges within the Township for either failing to timely file such plan or improper or unlawful leaf waste disposal in violation of the plan or DEP regulations. Leaf waste shall not be left at curbside sooner than 24 hours prior to collection and shall not be left in a form that obstructs the flow of traffic or affects the

performance of drainage facilities or catch basins. Leaf waste containers or bags shall not be placed in the cartway.

#### §116.13 RECORDKEEPING.

(a) All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the Township. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the comingled recyclable materials shall also be provided. Written reports shall be provided to the Township on reporting forms provided by the Township and shall include the name and location of the processing center and/or recyclable materials dealer, and the weights of each of the recyclable materials delivered to such center and/or dealer, and shall be submitted in accordance with the time schedules established in this chapter.

(b) Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation of the total quantity of leaf waste collected must be provided to the Township by January 31 of each year for materials collected in the preceding calendar year.

(c) Except as noted in Sections 116.4(i) and 116.11(a) and (b) and Subsection (b) hereof, all records shall be provided to the Township on a quarterly basis in typewritten tabular form and shall be due within 30 days after the end of each calendar quarter.

#### §116.14 ENFORCEMENT AND PENALTIES.

(a) Any person or entity who shall violate the provisions outlined herein regarding the separation of recyclable materials shall receive an official written warning of noncompliance from the Township for the first offense. Thereafter, all such violators of the provisions of this chapter shall, upon being adjudged guilty of violating this Chapter before any justice of the peace having jurisdiction within said Township, be sentenced as provided in Chapter 1, Article II, General Penalty.

(b) Any person or entity who shall violate the provisions outlined herein regarding the unauthorized collection of recyclable materials shall be liable for payment of a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

(c) No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein regarding the separation of recyclable materials with written notice for the first offense and also provide the Township with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this section and collect municipal waste containing recyclable materials or leaf waste from a person or entity who has previously been notified by the Township and/or a municipal waste collector of noncompliance shall receive an official warning for the first offense. The municipal waste collector shall, for subsequent offenses within a two-year period of the warning, be liable to a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution. Upon conviction for a fifth offense within said two-year period, the license or permit of the municipal waste collector to conduct business in the Township will be revoked for a period of not less than one year.

#### §116.15 INTERPRETATION.

This chapter shall be construed under the laws of the Commonwealth.

§116.16 MODIFICATIONS.

The Township may, from time to time, modify the regulations adopted in accordance with this chapter or make modifications to this chapter.

§116.17 IMPLEMENTATION BY WASTE COLLECTORS.

Municipal waste collectors shall take the necessary steps to implement the collection of recyclable materials upon the effective date of this chapter.

**SECTION III. Repealer**

Ordinance No. 237 and all other ordinances and resolutions or part thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**SECTION IV. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION V. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VI. Effective Date.**


This Ordinance shall take effect and be in force from and after its approval as required by the law.



**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township,  
Montgomery County, Pennsylvania, this 19th day of February, 2003.

**WORCESTER TOWNSHIP**

By:

  
FRANK L. DAVEY, Chairman  
Board of Supervisors

Attest:

  
CHASE E. KNEELAND, Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on February 19, 2003, at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and will consider for adoption an ordinance entitled "Solid Waste Management and Recycling Ordinance" amending the Codified Ordinances of Worcester Township by adding a new Chapter 128 entitled "Solid Waste Management" which includes definitions; adoption of the solid waste management rules and regulations of the Department of Environmental Protection; applicability to municipality; collector permit requirements; regulation of collectors; regulation of collection vehicles; requiring identification on collector's vehicles; establishing times of collection and placement of containers; establishing proper garbage preparation and storage practices; prohibiting the treatment and/or collection of municipal waste not generated in the Township; regulating removal of contagious refuse; prohibiting private dumps and landfills; permitting collection by Township at its discretion; permitting future rules and regulations to be promulgated by Township; abatement of nuisance requirements and penalties for violations of chapter; and amending the Codified Ordinances of Worcester Township to add a new Chapter 116 entitled "Recyclable Materials Management"; which includes definitions; legislative intent; program responsibilities of Township; responsibilities of municipal waste collectors; delegation of program responsibilities by Township; designation of recyclable materials; collection procedures of recyclable materials; processing and marketing of recyclable materials; establishing ownership of recyclable materials and municipal waste; alternate recycling activities; proper handling of leaf waste; record-keeping by collectors; enforcement and penalties for violation of the Chapter; interpretation; modifications; and implementation by waste collectors.

Copies of the full text of the proposed ordinance are available for public inspection and copying at the Worcester Township Building, 1721 Valley Forge Road, Worcester, the offices of the Times Herald, 401 Markley Street, Norristown, Pennsylvania, 19404, and the Montgomery County Law Library, Court House, Norristown, Pennsylvania during normal business hours.

**JAMES J. GARRITY, ESQUIRE  
MARK A. HOSTERMAN, ESQUIRE  
WISLER, PEARLSTINE, TALONE,  
CRAIG, GARRITY & POTASH, LLP**

Solicitors for Worcester Township

**WORCESTER TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2003-187**

**PSAB MASTER RETIREMENT TRUST & JOINDER AGREEMENT  
TOWNSHIP OF WORCESTER NON-UNIFORMED PENSION PLAN**

WHEREAS, the Township of Worcester (the "Employer"), on January 1, 1993, established a retirement plan for certain of its employees known as the Township of Worcester Non-Uniformed Pension Plan (the "Prior Plan").

WHEREAS, the Employer now desires to adopt the restated Master Plan and Trust currently administered by the Pennsylvania State Association of Boroughs Master Retirement Trust (the "PSAB Master Retirement Trust"), effective as of December 31, 2002; and

WHEREAS, in accordance with such purpose, the Employer hereby adopts the PSAB Master Retirement Trust and the accompanying joinder agreement, which documents together shall constitute the retirement plan known as the Township of Worcester Non-Uniformed Pension Plan (the "Plan");

WHEREAS, said Plan shall be deemed to be a continuation of and a successor to the Prior Plan;


NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that, effective as of December 31, 2002, the accompanying joinder agreement and the terms of the Pennsylvania State Association of Boroughs Master Retirement Trust are hereby adopted by the Employer, to be known as the Township of Worcester Non-Uniformed Pension Plan;

FURTHER ORDAINED, that said Plan shall be deemed to be a successor to and a continuation of the Prior Plan;

ORDAINED AND ENACTED this 19<sup>th</sup> day of February, A.D., 2003.

ATTEST:

  
CHASE E. KNEELAND, Secretary

TOWNSHIP OF WORCESTER  
  
FRANK L. DAVEY, Chairman

EXAMINED AND APPROVED this 19<sup>th</sup> day of February, A.D., 2003.

\_\_\_\_\_  
Signature

IN WITNESS WHEREOF, the Employer has caused this Plan and Trust to be executed this

31st day of December, 2002.

All funds transferred to the Pennsylvania State Association of Boroughs Municipal Retirement Trust shall remain in the Trust for a minimum period of one (1) year, unless withdrawn for the specific purpose of making benefit distributions to participants or payment of administrative expenses.

ATTEST:



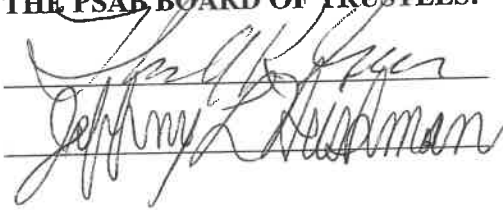
CHASE E. KNEELAND, Secretary

EMPLOYER:



FRANK L. DAVEY, Chairman, Board of Supervisors  
Worcester Township

**AUTHORIZED SIGNATURES FOR  
THE PSAB BOARD OF TRUSTEES:**



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2003-188**

**CENTER POINT VILLAGE SEWER  
DISTRICT WATER SHUT-OFF ORDINANCE**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 122 (SEWERS), ARTICLE IV (CENTER POINT VILLAGE SEWER DISTRICT) BY ADDING A NEW SECTION 122-23.3 ENTITLED "WATER SHUT-OFF AS ENFORCEMENT FOR NONPAYMENT OF SEWER RENTALS, RATES AND CHARGES" TO AUTHORIZE SUPERIOR WATER COMPANY TO SHUT OFF THE SUPPLY OF WATER FROM SUPERIOR'S SYSTEM TO ANY PREMISES TO WHICH IT PROVIDES WATER SERVICE IN WHICH THE RENTALS, RATES AND CHARGES FOR SEWAGE OR SEWAGE TREATMENT SERVICE SUPPLIED BY THE TOWNSHIP ARE UNPAID; TO ESTABLISH A CHARGE OF THIRTY-FIVE DOLLARS (\$35.00) TO COVER THE COST OF SHUTTING OFF THE WATER SUPPLY TO THE DELINQUENT PREMISES; TO ESTABLISH A CHARGE OF THIRTY-FIVE DOLLARS (\$35.00) TO COVER THE COST OF RESTORING WATER SERVICE TO EACH SUCH PREMISES; TO REQUIRE PAYMENT OF THE ACTUAL COST OF WATER SHUT-OFF OR RESTORATION IN THE EVENT THE ACTUAL COSTS EXCEED THE CHARGE OF THIRTY-FIVE DOLLARS (\$35.00); AND TO REQUIRE THE OWNERS OF THE DELINQUENT PREMISES TO REIMBURSE TOWNSHIP FOR ITS PAYMENT TO SUPERIOR WATER COMPANY FOR THE ESTIMATED LOSS OF WATER REVENUES RESULTING FROM EACH SHUT-OFF.**

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It is hereby **ENACTED and ORDAINED** by the Board of Supervisors of Worcester Township as follows:

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 122 (Sewers), is hereby amended by adding a new Section 122-23.3 entitled "Water Shut-off for Nonpayment of Sewer Rentals, Rates and Charges" as follows:

**Section 122-23.3 Water Shut-off for Nonpayment of Sewer Rentals, Rates and Charges.**

In the event an account is delinquent as set forth in Section 122-22 of this Chapter, the Township, at its option, may make request to Superior Water Company to shut off the supply of water to the delinquent premises until Township is in receipt of all such overdue rentals, rates and charges, together with any interest thereon. The charges shall include a Thirty-Five Dollar (\$35.00) fee for the cost of shutting off water services and a Thirty-Five Dollar (\$35.00) fee for the cost of restoration of water services. In the event the actual cost of shutting off or restoring water service exceeds Thirty-Five Dollars (\$35.00), the charge shall be the actual cost of shutting off or restoring water service. The charges shall also include the cost of lost water revenues, as determined by Superior Water Company, based upon the actual period of time during which the supply of water is shut off in each instance and the average water revenue received by Superior Water Company for a like period of time during the year prior to such shut-off from the class of customer involved in each instance. The Township shall be under no obligation to request restoration of water service to the premises until all such overdue rentals, rates and charges are satisfied. In the event such overdue rentals, rates and charges together with any interest thereon have not been satisfied, the same shall constitute a lien against the premises.

**SECTION II. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION III. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections,

sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION IV. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION V. Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 19<sup>th</sup> day of February, 2003.

**WORCESTER TOWNSHIP**

By: Frank L. Davey  
FRANK L. DAVEY, Chairman  
Board of Supervisors

Attest: Chase E. Kneeland  
CHASE E. KNEELAND, Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on February 19, 2003 at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance amending the Codified Ordinances of Worcester Township, Chapter 122 (Sewers), Article IV (Center Point Village Sewer District) by adding a new Section 122-23.3 entitled "Water Shut-off as Enforcement for Nonpayment of Sewer Rentals, Rates and Charges" to authorize Superior Water Company to shut off the supply of water from Superior's system to any premises to which it provides water service in which the rentals, rates and charges for sewage or sewage treatment service supplied by the township are unpaid; to establish a charge of Thirty-five Dollars (\$35.00) to cover the cost of shutting off the water supply to the delinquent premises; to establish a charge of Thirty-five Dollars (\$35.00) to cover the cost of restoring water service to each such premises; to require payment of the actual cost of water shut-off or restoration in the event the actual costs exceed the charge of Thirty-five Dollars (\$35.00); and to require the owners of the delinquent premises to reimburse Township for its payment to Superior Water Company for the estimated loss of water revenues resulting from each shut-off.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Times Herald*, 401 Markley Street, Norristown, Pennsylvania, 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania, 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE  
MARK A. HOSTERMAN, ESQUIRE  
WISLER, PEARLSTINE, TALONE,  
CRAIG, GARRITY & POTASH, LLP**

Solicitors for Worcester Township



**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2003-189**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF WORCESTER TOWNSHIP TO REZONE A 14.46± ACRE TRACT OF LAND WITH FRONTAGE ON WHITEHALL ROAD, WHICH IS FURTHER IDENTIFIED AS MONTGOMERY COUNTY TAX MAP PARCEL 67-00-04052-507, TAX MAP BLOCK 021, UNIT 13, FROM ITS CURRENT CLASSIFICATION OF AGR-RESIDENTIAL TO A NEW CLASSIFICATION OF AQRC-AGE QUALIFIED RESIDENTIAL COMMUNITY DISTRICT.**

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**NOW, THEREFORE,** it is hereby **ENACTED and ORDAINED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, as follows:

**SECTION I. Zoning Map Amendment.**

The Official Zoning Map of Worcester Township is hereby amended to rezone a 14.46± acre parcel on Whitehall Road, which is further identified as Montgomery County Tax Map Parcel No. 67-00-04052-507 and Tax Map Block 021, Unit 13, from its existing designation as AGR-Agricultural to the new designation of AQRC-Age Qualified Residential Community Zoning District.

**SECTION II. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION III. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION IV. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION V. Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 16th day of April, 2003.

**WORCESTER TOWNSHIP**

By: Frank L. Davey  
**FRANK L. DAVEY, Chairman**  
Board of Supervisors

Attest: Chase E. Kneeland  
**CHASE E. KNEELAND, Secretary**

**BOARD OF SUPERVISORS**

**WORCESTER TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 03-190**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 135 (TAXATION), ARTICLE I (EARNED INCOME TAX AND NET PROFITS), SECTION 135-1 (DEFINITIONS) BY DELETING THE EXISTING DEFINITIONS OF “EARNED INCOME” AND “NET INCOME” AND REPLACING THEM WITH NEW DEFINITIONS IN ORDER TO REFLECT THE ACT 166 AMENDMENTS TO THE LOCAL TAX ENABLING ACT.**

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The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN** the following:

**SECTION I – Amendment to Code**

The Codified Ordinances of Worcester Township, Chapter 135 (Taxation), Article I (Earned Income Tax and Net Profits), Section 135-1 (Definitions) is hereby amended by replacing the definitions of “Earned Income” and “Net Profits” as follows:

**“EARNED INCOME”** All salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration received for services rendered whether directly or through an agent and whether in cash or in property except income derived from the United States Government for active duty outside the Commonwealth of Pennsylvania as a member of its armed forces and other compensation as determined under section 303 of the “Tax Reform Code of 1971” and regulations in 61 Pa. Code Pt. I Subpt. B Art. V (relating to personal income tax). Employee business expenses are allowable deductions as determined under Article III of the “Tax Reform Code of 1971.” The amount of any housing allowance provided to a member of force shall not be taxable as earned income.

The term “compensation” shall not mean or include (i) periodic payments for sickness and disability other than regular wages received during a period of sickness or disability; or (ii) disability, retirement or other payments arising under workmen’s compensation acts, occupational disease acts and similar legislation by any government; or (iii) payments commonly recognized as old age or retirement benefits paid to persons retired from service after reaching a specific

age or after a stated period of employment; or (iv) payments commonly known as public assistance, or unemployment compensation payments by any governmental agency; or (v) payments to reimburse actual expenses; or (vi) payments made by employers or labor unions, including payments made pursuant to a cafeteria plan qualifying under section 125 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 125), for employee benefit programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits or strike benefits: Provided that the program does not discriminate in favor of highly compensated individuals as to eligibility to participate, payments or program benefits; or (vii) any compensation received by United States servicemen serving in a combat zone; or (viii) payments received by a foster parent for in-home care of foster children from an agency of the Commonwealth or a political subdivision thereof or an organization exempt from Federal tax under section 501(c)(3) of the Internal Revenue Code of 1954 which is licensed by the Commonwealth or a political subdivision thereof as a placement agency; or (ix) payments made by employers or labor unions for employee benefit programs covering social security or retirement; or (x) personal use of an employer's owned or leased property or of employer-provided services.

**“NET PROFITS”** –The net income from the operation of a business, profession, or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with accepted accounting principles and practices but without deduction of taxes based on income or as otherwise determined under section 303 of “The Tax Reform Code of 1971” and regulations in 61 Pa. Code Pt. I Subpt. B Art. V (relating to personal income tax). The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming, the term shall not include:

- (1) any interest earnings generated from any monetary accounts or investment instruments of the farming business;
- (2) any gain on the sale of farm machinery;
- (3) any gain on the sale of livestock held twelve months or more for draft, breeding or dairy purposes; and
- (4) any gain on the sale of other capital assets of the farm.

## **SECTION II – Severability**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section,

sentence, clause, part or provision had not been included herein.

**SECTION III – Failure to Enforce not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION IV – Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION V – Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 16th day of July, 2003.

**WORCESTER TOWNSHIP**

By: Frank L. Davey  
**FRANK L. DAVEY**, Chairman  
Board of Supervisors

Attest: John R. Harris  
**JOHN R. HARRIS**, Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on July 16, 2003 at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester Township, Pennsylvania 19490, will hold a public hearing on and could vote to adopt an ordinance amending the Codified Ordinances of Worcester Township Chapter 135 (Taxation), Article I (Earned Income Tax and Net Profits), Section 135-1 (Definitions) is hereby amended by deleting the existing definitions of "Earned Income" and "Net Profits" and replacing them with new definitions in order to reflect the Act 166 amendments to the Local Tax Enabling Act.

Copies of the proposed Ordinance are available for public inspection at the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania; the offices of *The Times Herald*, 401 Markley Street, Norristown, Pennsylvania, 19404; and the Montgomery County Law Library, Court House, Norristown, Pennsylvania, during normal business hours.

**JAMES J. GARRITY, ESQUIRE  
MARK A. HOSTERMAN, ESQUIRE  
WISLER, PEARLSTINE, TALONE,  
CRAIG, GARRITY & POTASH, LLP**

Solicitors for Worcester Township

**BOARD OF SUPERVISORS  
WORCESTER TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2003-191**

**"NO PARKING ORDINANCE"**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 145 (VEHICLES AND TRAFFIC), BY ADDING TWO NEW SECTIONS: SECTION 145-2 (NO PARKING ZONES) TO PROHIBIT PARKING ON KRIEBEL MILL ROAD BETWEEN GERMANTOWN PIKE AND MILL ROAD AND ON MILL ROAD BETWEEN MERRYBROOK ROAD AND GRANGE AVENUE; AND SECTION 145-3 ESTABLISHING THAT THE VIOLATIONS AND PENALTIES PROVISION FOUND IN THE GENERAL PENALTY SECTION OF THE CODE, SPECIFICALLY CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1, SECTION 1-16A APPLIES TO VIOLATIONS OF NEW SECTION 145-2.**

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It is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Worcester Township as follows:

**SECTION I – Amendment to Code**

The Codified Ordinances of Worcester Township, Chapter 145 (Vehicles and Traffic), is hereby amended by adding new Sections 145-2, entitled "No Parking Zones", and 145-3, entitled "Violations and Penalties", as follows:

145-2 NO PARKING ZONES.

a. The areas described below are hereby established as "No Parking Zones" where no vehicles may be parked on or along the street and official no parking signs shall be erected at the beginning and end of the No Parking Zone and throughout the No Parking Zone, as needed, in the following designated areas:

<u>No Parking Zone</u>	<u>Description of Zone</u>
Kriebel Mill Road	between Germantown Pike and Mill Road
Mill Road	between Merrybrook Road and Grange Avenue

b. The list of locations of No Parking Zones in the foregoing section of this Chapter does not constitute an exhaustive list of all locations within the Township where No Parking zones are posted with appropriate signs. Failure to include in the above list any No Parking Zone in the Township where a No Parking sign is posted shall not constitute a waiver of the driver's duty to obey no parking signs wherever posted in the Township.

#### 145-3 VIOLATIONS AND PENALTIES.

a. Any person, firm, corporation or utility which shall violate any of the provisions of Section 145-2 shall be subject to, upon conviction before a District Justice, a penalty as provided in Chapter 1, Article II, General Penalty, specifically, Section 1-16.A.

#### **SECTION II – Severability**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.



**SECTION IV – Failure to Enforce not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION V – Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

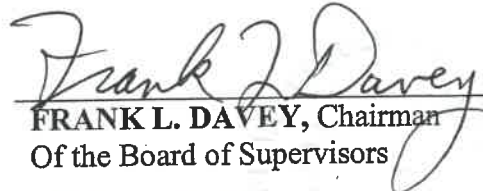
**SECTION VI – Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 20<sup>th</sup> day of August, 2003.

**WORCESTER TOWNSHIP**

By:

  
FRANK L. DAVEY, Chairman  
Of the Board of Supervisors

Attest:

  
JOHN R. HARRIS, Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Worcester, at its public meeting on August 20, 2003 in the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "No Parking Ordinance" amending the Codified Ordinances of Worcester Township, Chapter 145 (Vehicles and Traffic), by adding two new sections: Section 145-2 (No Parking Zones) to prohibit parking on Kriebel Mill Road between Germantown Pike and Mill Road and on Mill Road between Merrybrook Road and Grange Avenue; and Section 145-3 establishing that the violations and penalties provision found in the general penalty section of the Code, specifically Chapter 1, General Provisions, Article II, Section 1-16.A. applies to violations of new Section 145-2.

Copies of the full text of the proposed ordinance are available for public inspection and copying at the Worcester Township Building, 1721 Valley Forge Road, Worcester, the offices of the Times Herald, 401 Markley Street, Norristown, Pennsylvania, 19404, and the Montgomery County Law Library, Court House, Norristown, Pennsylvania during normal business hours.

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Solicitors for Worcester Township

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2003-192**

**TRAFFIC IMPACT FEES**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 130 (SUBDIVISION AND LAND DEVELOPMENT) BY ADDING A NEW ARTICLE X, ENTITLED "TRAFFIC IMPACT FEES," SETTING FORTH THE TITLE OF THE ARTICLE; PURPOSE OF THE NEW ARTICLE; CONDITIONS AND STANDARDS FOR IMPOSITION OF TRAFFIC IMPACT FEES; DEFINITIONS; USE OF TRAFFIC IMPACT FEES COLLECTED; SPECIAL TRAFFIC IMPACT STUDIES; PAYMENT OF TRAFFIC IMPACT FEES PRIOR TO ISSUANCE OF BUILDING PERMITS; FORMULA FOR CALCULATION OF FEES; ESTABLISHMENT OF TRANSPORTATION SERVICE AREAS; NON-BINDING TRAFFIC IMPACT FEE ESTIMATES PRIOR TO APPLICATION OF BUILDING PERMITS; TOWNSHIP TREASURER'S ADMINISTRATION OF TRAFFIC IMPACT FEES; PAYMENT OF FEES; CREDITS; REFUNDS; AFFECT OF ARTICLE ON ZONING AND SUBDIVISION REGULATIONS; ESTABLISHING THE FEE AS ADDITIONAL AND SUPPLEMENTAL TO, AND NOT A SUBSTITUTION OF, OTHER REQUIREMENTS IMPOSED BY TOWNSHIP; AND EFFECTIVE DATE AND RETROACTIVITY OF ARTICLE.**

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It is hereby **ENACTED and ORDAINED** by the Board of Supervisors of Worcester Township as follows:

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 130 (Subdivision and Land Development) are hereby amended by adding a new Article X, entitled "Traffic Impact Fees," as follows:

**§ 130-47. Title.**

This Article shall be known as the "Worcester Township Traffic Impact Fee Ordinance."

**§ 130-48. Purpose.**

The purpose of this section is to establish a Traffic Impact Fee Program (referred to hereinafter as the "Program") to ensure that the Township's transportation system is available and adequate to support new growth and development.

**§ 130-49. Conditions and Standards for Imposition of Traffic Impact Fees.**

The Board of Supervisors hereby finds and declares that:

1. The conditions and standards for the determination and imposition of the Traffic Impact Fees set forth herein are those set forth in Act 209 of 1990, and any and all amendments thereto (hereinafter referred to as the "Act"), and consist of:

- A. The analysis, advice and recommendations of the Traffic Impact Fee Advisory Committee.
- B. The Land Use Assumptions Report as adopted by the Board of Supervisors.
- C. The Roadway Sufficiency Analysis as adopted by the Board of Supervisors.
- D. The Transportation Capital Improvements Plan as adopted by the Board of Supervisors.
- E. Such other conditions and standards as the Board of Supervisors may, by resolution, identify from time to time as being relevant and material to the imposition of Traffic Impact Fees and consistent with the provisions of Act 209 of 1990 and any amendments thereto.

**§ 130-50. Definitions.**

The terms and definitions set forth in Section 502.A. of the Act are hereby adopted and incorporated into this Article by reference. The term Traffic Impact Fee as used in this Article shall have the same meaning as Impact Fee used in the Act.

**§ 130-51. Use of Funds Collected.**

Traffic Impact Fees collected pursuant to this Article shall be expended for costs incurred for improvements attributable to new development and designated in the Transportation Capital Improvement Plan within the North and South transportation service areas designated in the Roadway Sufficiency Analysis and Transportation Capital Improvement Plan as more particularly set forth hereinafter. Additionally, such Traffic Impact Fees may be used for the acquisition of land, rights-of-way, engineering, legal, planning and all other costs, including debt service related to road improvements within the designated service area and including such proportionate amount of the cost of the Roadway Sufficiency Analysis permitted under the provisions of the Act.

**§ 130-52. Special Traffic Impact Studies.**

1. Where intended to assist in determining the appropriate amount of Traffic Impact Fees, the Township may require or permit the preparation of special traffic impact studies to determine the traffic generation or circulation patterns in new nonresidential developments only; provided, however, that no such studies may be required where the proposed development will not require a deviation from the land use assumptions used to create the Program.

2. Any Special Traffic Impact Studies required or permitted by the Township shall be submitted prior to the imposition of the Traffic Impact Fee and shall be considered in the determination of the fee.

**§ 130-53. Payment of Traffic Impact Fee Required Prior to Issuance of Building Permit.**

No building permit shall be issued for construction in a designated Transportation Service Area unless the building permit applicant has paid the Traffic Impact Fees imposed by and calculated pursuant to this Article.

**§ 130-54. Calculation of Fees.**

1. The total impact fee for transportation capital improvements shall be based upon the total costs of the road improvements enumerated in the Transportation Capital Improvement Plan within a given Transportation Service Area which are attributable to and necessitated by new development within the Transportation Service Area, divided by the number of anticipated P.M. peak hour trips generated by all new development in the Transportation Service Areas consistent with the Land Use Assumptions Report and calculated in accordance with the Trip Generation Manual published by the Institute of Transportation Engineers, Sixth Edition or subsequent editions, which is hereby adopted by the Township, to equal a per trip cost for transportation improvements within the Transportation Service Areas.

2. The specific Traffic Impact Fees for a specific new development or subdivision within a Transportation Service Area shall be determined as of the date of preliminary land development or subdivision approval by multiplying the per trip cost established for the Service Area (as set forth in § 130-56) by the estimated number of trips to be generated by the new development using generally accepted traffic engineering standards.

3. The Board of Supervisors may authorize or require the preparation of a special transportation study in order to determine the traffic generation or circulation for a new nonresidential development to assist in the determination of the amount of the Traffic Impact Fee for such development or subdivision. No special transportation study shall be required or

permitted when there is no deviation from the land use assumptions resulting in increased density, intensity or trip generation by a particular development. A developer or the Board of Supervisors may, however, at any time, voluntarily prepare and submit a traffic study for a proposed development or may have such a study prepared at its expense after the development is completed to include actual trips generated by the development for use in any appeal as provided for under Act 209. Any such special transportation study shall be prepared by a qualified traffic or transportation engineer using procedures and methods established by the Township based on generally accepted transportation planning and engineering standards. A special study required by the governing body shall be submitted prior to the imposition of a Traffic Impact Fee and shall be taken into consideration by the governing body in increasing or reducing the amount of the Traffic Impact Fee for the new development.

**§ 130-55. Establishment of Transportation Service Areas.**

There are hereby established two Transportation Service Areas in the Township consisting of the North Transportation Service Area and the South Transportation Service Area. The boundaries of the North and South Transportation Service Areas are delineated on the map labeled "Figure 3, Transportation Service Areas" found on page 8 of the Worcester Township Roadway Sufficiency Analysis and Transportation Capital Improvement Plan and are incorporated herein by reference.

**§ 130-56. Establishment of Impact Fees for North and South Transportation Service Areas.**

In accordance with the Worcester Township Roadway Sufficiency Analysis and Transportation Capital Improvement Plan prepared by McMahon Associates, Inc. dated March 2003, the Traffic Impact Fee per P.M. peak trip generated by new development for the North Transportation Service Area shall be in the amount of Two Thousand Five Hundred

Fifty-Six and XX/100 Dollars (\$2,556.00). The Traffic Impact Fee for each P.M. peak trip in the South Transportation Service Area shall be Two Thousand Seven Hundred Twenty-eight and XX/100 Dollars (\$2,728.00).

**§ 130-57. Nonbinding Estimates.**

Prior to making an application for a building permit, an applicant may request a nonbinding Traffic Impact Fee estimate from the Township, which shall be based upon the maximum development potential of the site pursuant to existing zoning regulations, unless the applicant specifies a lesser use of development.

**§ 130-58. Administration of Fees.**

1. Collection. Traffic Impact Fees due pursuant to this Article shall be collected by the Township Treasurer, subject to review, oversight and control of the Board of Supervisors, in the manner or manners prescribed herein prior to the issuance of a building permit.

2. Establishment of fund. Upon receipt of Traffic Impact Fees, the Township Treasurer shall be responsible for the separate and proper accounting of such fees. All such fees shall be deposited in interest-bearing accounts in a bank authorized to receive deposits of Township funds. Interest earned by each account shall be credited to that account and shall be used solely for the purpose specified for funds of such account.

3. Establishment and maintenance of accounts. The Township Treasurer shall establish appropriate accounts and shall maintain records whereby Traffic Impact Fees collected can be segregated for each Transportation Service Area.

4. Maintenance of records. The Township Treasurer shall maintain and keep adequate financial records for each such account which shall show the source and disbursement of all revenues, which shall account for all moneys received and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision



calculated to be greater than the amount of the Traffic Impact Fee due, the applicant may use such excess credit toward the impact fees imposed on other building permits for development on the same site and in the same ownership.

3. An applicant shall be entitled, as a credit against Traffic Impact Fees, an amount equal to the fair market value of land dedicated by the applicant and accepted by the Township for future rights of way, realignment or widening of existing roadways.

4. As a credit against Traffic Impact Fees, an applicant shall be entitled to an amount equal to the value of any road improvement construction which is contained in the Transportation Capital Improvement Plan and which was performed at the applicant's expense.

#### **§ 130-61. Refunds.**

Traffic Impact Fees collected pursuant to this Article shall be refunded, together with interest earned thereon, to the payor of the fees under the following circumstances:

1. In the event the Township completes or terminates the Transportation Capital Improvement Plan and there remain undisbursed funds, the respective payors shall be entitled to a share of the fund balance in the same proportion that the payor's Traffic Impact Fee payment, plus interest earned, bears to the total impact fees collected plus interest.

2. In the event that any specific road improvement project is completed at a cost to the Township of less than 95% of the budgeted cost of the road project, the Township shall refund an amount equal to the excess budgeted cost over actual cost to the payors, *pro rata*, plus accumulated interest.

3. In the event that the Township fails to commence construction within three years of the scheduled construction date of the project as set forth in the Transportation Capital Improvement Plan, the Township shall refund the portion of the fee paid by any payor making written request therefor which is attributable to such project, with accumulated interest, provided

that no refund shall be paid with respect to any project actually begun prior to the receipt of such refund request.

4. In the event that the development for which Traffic Impact Fees were paid has not commenced prior to the expiration of the building permit issued therefor, the Traffic Impact Fees paid, with accumulated interest, and shall be refunded to the payor. Further, if a building permit, after issuance, is altered in such a way as to reduce the indicated Traffic Impact Fee, the difference between the amount indicated and the amount actually paid shall be refunded. The payor, at his or her option, may roll over the Traffic Impact Fees attributable to an expired building permit to cover fees incurred by a renewal of such expired permit.

With respect to refunds arising out of Subsections (1) or (2) hereof, any funds unclaimed within one year, after notice as required by law, shall be transferred to the general account of the Township, and the payor's entitlement to such refund shall lapse. It is the responsibility of the payor to provide the Township with the current address of his or her place of business.

**§ 130-62. Effect of Article on Zoning and Subdivision Regulations.**

This Article shall not affect, in any manner, the permissible use of property, the density of development, previously adopted design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements which remain subject to applicable zoning and subdivision regulations of the Township, which shall be operative and remain in full force and effect without limitation with respect to all such development.

**§ 130-63. Fee as an Additional and Supplemental Requirement; Payment for Improvements in Excess of Amount Estimated.**

The Traffic Impact Fee is additional and supplemental to, and not in substitution of, any

of projects specified in the Program for the particular Transportation Service Area.

**§ 130-59. Payment of Fee.**

Payment of the Traffic Impact Fee shall be made by the person seeking to build or develop prior to the issuance of a building permit by the Township for development on the applicable site.

**§ 130-60. Credit.**

1. Any applicant who shall perform, at his or her own expense and with the consent and agreement of the Board of Supervisors, any off-site improvements enumerated on the Transportation Capital Improvement Plan shall be eligible for a credit from the Traffic Impact Fee otherwise due in the amount of the actual cost of such off-site improvements as approved by the Township Engineer. Such credit shall not exceed the amount of the Traffic Impact Fee.

2. If the applicant makes such improvements, he or she must enter into an agreement with the Township prior to the issuance of any building permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to Township and Pennsylvania Department of Transportation standards and design criteria and such other terms and conditions as deemed necessary by the Board of Supervisors, including the deposit with the Township of financial security in an amount sufficient to guarantee the construction of the improvement in the manner provided for by Article V of the Pennsylvania Municipalities Planning Code. The Board of Supervisors must review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable Traffic Impact Fee prior to issuance of any building permit. In no event shall the Board of Supervisors provide a credit which is greater than the applicable Traffic Impact Fee. If, however, the amount of the credit is

other requirements imposed by the Township on the development of land or the issuance of building permits. Nothing herein contained shall be deemed to alter or affect the Township's existing ordinances and regulations regarding on-site improvements. In no event shall a property owner be obligated to pay for transportation capital improvements in an amount in excess of the amount calculated pursuant to this Article; provided, however, that a property owner may be required to pay, pursuant to Township ordinances, regulations or policies, for other public improvements or facilities (including on-site transportation capital improvements) in addition to the Impact Fee for off-site transportation improvements as provided herein.

**§ 130-64. Effective Date: Retroactive Application of Section.**

1. This Article shall take effect immediately upon its passage.
2. Notwithstanding the above subsection, Traffic Impact Fees may be imposed on those projects involving land developments and subdivisions for which an application has been filed on or after the first publication of Township's Notice of Intention to adopt this Traffic Impact Fee Ordinance; provided, however, that such retroactivity does not exceed eighteen months after the adoption of the resolution that created the advisor committee in connection herewith.
3. In retroactive applications, the per-trip fee may not exceed One Thousand Dollars (\$1,000) or the actual calculated fee, whichever is less.

**§ 130-65. Liberal Construction.**

The provisions of this Article shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

**SECTION II. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION III. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

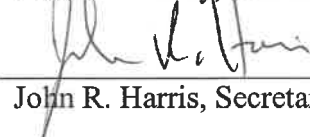
**SECTION IV. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 17th day of September, 2003.

**WORCESTER TOWNSHIP:**

By:   
Frank L. Davey, Chairman, Board of Supervisors

Attest:   
John R. Harris, Secretary

## NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on September 17, 2003, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Traffic Impact Fee Ordinance" amending the Codified Ordinances of Worcester Township by adding a new Article X, Chapter 130 (Subdivision and Land Development), entitled "Traffic Impact Fees," setting forth the title of the Article; purpose of the new Article; conditions and standards for imposition of Traffic Impact Fees; definitions; use of Traffic Impact Fees collected; special traffic impact studies; payment of Traffic Impact Fees prior to issuance of building permits; formula for calculation of Traffic Impact Fees; establishment of Transportation Service Areas; non-binding Traffic Impact Fee estimates prior to application of building permits; Township Treasurer's administration of Traffic Impact Fees; payment of Fees; credits; refunds; affect of Article on zoning and subdivision regulations; establishing the Fee as additional and supplemental to, and not a substitution of, other requirements imposed by Township; and effective date and retroactivity of Article.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of The Times Herald, 401 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE  
MARK A. HOSTERMAN, ESQUIRE  
WISLER, PEARLSTINE, TALONE, CRAIG,  
GARRITY & POTASH, LLP**

**Solicitors for Worcester Township**

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE No. 2003 – 193**

**"SOLID WASTE MANAGEMENT AND RECYCLING ORDINANCE"**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP BY DELETING THE EXISTING CHAPTER 128 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 128 ENTITLED "SOLID WASTE MANAGEMENT" WHICH INCLUDES DEFINITIONS; ADOPTION OF THE SOLID WASTE MANAGEMENT RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; APPLICABILITY TO MUNICIPALITY; REGULATION OF COLLECTORS; REGULATION OF COLLECTION VEHICLES; REQUIRING IDENTIFICATION ON COLLECTOR'S VEHICLES; ESTABLISHING TIMES OF COLLECTION AND PLACEMENT OF CONTAINERS; ESTABLISHING PROPER GARBAGE PREPARATION AND STORAGE PRACTICES; PROHIBITING THE TREATMENT AND/OR COLLECTION OF MUNICIPAL WASTE NOT GENERATED IN THE TOWNSHIP; REGULATING REMOVAL OF CONTAGIOUS REFUSE; PROHIBITING PRIVATE DUMPS AND LANDFILLS; PERMITTING COLLECTION BY TOWNSHIP AT ITS DISCRETION; PERMITTING FUTURE RULES AND REGULATIONS TO BE PROMULGATED BY TOWNSHIP; ABATEMENT OF NUISANCE REQUIREMENTS AND PENALTIES FOR VIOLATIONS OF CHAPTER; AND AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP BY DELETING THE EXISTING CHAPTER 116 IN ITS ENTIRETY AND ADDING A NEW CHAPTER 116 ENTITLED "RECYCLABLE MATERIALS MANAGEMENT" WHICH INCLUDES DEFINITIONS; LEGISLATIVE INTENT; PROGRAM RESPONSIBILITIES OF TOWNSHIP; RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS; DELEGATION OF PROGRAM RESPONSIBILITIES BY TOWNSHIP; DESIGNATION OF RECYCLABLE MATERIALS; COLLECTION PROCEDURES OF RECYCLABLE MATERIALS; PROCESSING AND MARKETING OF RECYCLABLE MATERIALS; ESTABLISHING OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE; ALTERNATE RECYCLING ACTIVITIES; PROPER HANDLING OF LEAF WASTE; RECORD-KEEPING BY COLLECTORS; ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE CHAPTER; INTERPRETATION; MODIFICATIONS; AND IMPLEMENTATION BY WASTE COLLECTORS.**

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It is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Worcester Township

as follows:

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township are hereby amended by adding a new Chapter 128 entitled "Solid Waste Management" as follows:

**CHAPTER 128  
SOLID WASTE MANAGEMENT**

**§128.1 SHORT TITLE.**

This chapter shall be known as the "Township Solid Waste Management Ordinance."

**§128.2 DEFINITIONS.**

As used in this chapter:

- (a) "Act" means the Solid Waste Management Act, Act of July 7, 1980, 380, No. 97, as amended, 35 P.S. Section. 6018.101 et seq.
- (b) "Bulky waste" means large items of refuse including, but not limited to, appliances, furniture, large auto parts, trees, branches and stumps which cannot be handled by normal solid waste processing, collection or disposal methods.
- (c) "Collector" means any person or entity collecting or transporting municipal waste and/or recyclable materials for owners or occupants of property in the Municipality, including the Municipality itself, if it undertakes the collection of municipal waste.
- (d) "Disposal" means incineration, disposition, injection, dumping, spilling, leaking or placing waste into or on the land or water in such a manner that the waste or a constituent of the waste enters the environment, is emitted into the air or is discharged into the waters of the Municipality.
- (e) "Facility" means the site where municipal waste is disposed of, as designated by the Municipality or by the proposed contractor, including all associated property and equipment.
- (f) "Garbage" means the animal or vegetable refuse from the storage, vending, sale, preparation or use of foodstuffs, such as meats, fish, fruits or vegetables or other domestic refuse.
- (g) "Hazardous waste" means any garbage, refuse or sludge from an industrial or other waste treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from Municipal, commercial, industrial, institutional, mining or agricultural operations from community activities or any combination of the above, but not including solid or dissolved materials, domestic sewage or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act OF 1948 (33 U.S.C. §§1151 et seq.) as amended, or source special nuclear or by-product material as defined by the U.S. Atomic Energy Act of 1954 (42 U.S.C. §§2011 et seq.), as amended, which because of its economy, concentration or physical, chemical or infectious characteristics may:
  - (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
  - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.



- (h) "Industrial establishment" means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
- (i) "Institutional establishment" means any establishment engaged in servicing, including, but not limited to, hospitals, nursing homes, life care facilities, churches, orphanages, schools and universities.
- (j) "Management" means the entire process, or any part thereof, of storage, collection, transportation, processing, treatment and disposal of solid waste by any person engaging in such process.
- (k) "Municipal waste" means any garbage, refuse, industrial lunch room or office waste or other material, including solid, liquid, semisolid or contained gaseous material resulting from operations of residential, Municipal, commercial or institutional establishments and from community activities and including any sludge not meeting the definition of "residual waste" or "hazardous waste" under this section for Municipal, commercial or institutional water supply treatment plants, wastewater treatment plants or, air pollution control facilities.
- (l) "Municipality" means Worcester Township.
- (m) "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, the Federal government or any agency thereof, State institution agencies (including, but not limited to, the Department of General Services, Public Schools and Authorities) or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. For any provision of this chapter prescribing a fine, imprisonment or penalty, or any combination thereof, "person" includes the officers and directors of any corporation or of any other legal entity that has officers and directors.
- (n) "Processing" means any technology used for the purpose of reducing the volume or bulk of waste or converting or separating waste for off-site re-use. Processing facilities include, but are not limited to, transfer, composting and resource recovery facilities.
- (o) "Refuse" means all material which is discarded as useless.
- (p) "Residual waste" means any garbage or other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial or agricultural operations and including any sludge from any industrial or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous waste.
- (q) "Sanitary landfill" means a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.
- (r) "Solid waste" means any waste, including, but not limited to, municipal, residual or hazardous waste, and including solid, liquid, semisolid or contained gaseous materials.

### §128.3 ADOPTION OF RULES AND REGULATIONS.

All applicable rules and regulations set forth in Title 25 of the Pennsylvania Code (Environmental Protection), are hereby adopted as the controlling rules and regulations regarding all municipal waste activities within the Municipality. In the event of a conflict between such rules and regulations and any of the provisions of this chapter, the rules and regulations shall take precedence.

### §128.4 APPLICATION TO MUNICIPALITY.

Nothing in this chapter shall prohibit the Municipality from becoming a collector for the purpose of this chapter.

§128.5 REGULATION OF COLLECTORS.

(a) Pursuant to the authority vested by Section 202 of the Pennsylvania Solid Waste Management Act of 1980, Act 97, as amended, any person collecting municipal waste in the Municipality from any residential, commercial or industrial generator thereof shall annually, on or before January 30, submit information to the Municipality listing the type of waste collected, the quantity and manner of transportation thereof and the manner, location and ultimate disposal thereof, including, but not limited to, any processing, transfer or temporary storage thereof, in the interim. Such information shall be supplied for the prior calendar year, and there shall also be an estimate of the same information for the current calendar year. The collector shall notify the Municipality, in writing, of any change of disposal site or type of waste within ten days of the change. Submission of such information shall be upon a form established by regulations adopted by a resolution of the Municipality. No person may engage in collection of municipal waste in the Municipality without providing all such information as required.

(b) A collector shall be responsible for receiving municipal waste from properties in the Municipality pursuant to contracts between the collector and the owners or occupants of the properties. All collectors shall dispose of all municipal waste at the facility designated by the Municipality in compliance with such reasonable rules and regulations for operation of the facility as may be established by the facility. Disposal at any other place shall be a violation of this chapter and result in the enforcement of the Penalty section of this Ordinance, except in special circumstances approved in advance by the facility. Such approval must be for disposal at an approved facility in accordance with the rules and regulations of the Department of Environmental Protection. The operations of all collectors shall comply with regulations of the Municipality and with all applicable laws. Violation of such regulations or laws shall be cause for the enforcement of the Penalty section of this Ordinance upon such notice as the Municipality may determine to be reasonable.

(c) A collector shall provide on demand a certificate of insurance showing that the insurance provided for in this subsection is carried in the specified amounts and has been obtained from a reputable company, satisfactory to the Municipality, or shall file a self-insurance certificate as issued by the Department of Labor and Industry and the Department of Revenue of the Commonwealth. Such certificates shall specify that the contractual liability required under this chapter is covered and that the coverage will not be cancelled or changed without thirty days prior notice to the Municipality. The following insurance shall be carried and maintained by collectors:

- (1) Worker's compensation insurance for all employees;
- (2) Automobile liability insurance in the amount of one million dollars (\$1,000,000), combined single limit bodily injury and property damage; and
- (3) General liability insurance in the amount of one million dollars (\$1,000,000) bodily injury and one million dollars (\$1,000,000) property damage.

The collector shall hereby agree to indemnify and save harmless the Municipality against any and all liability, demands, actions or damages, claims, costs or expense which the Municipality may hereafter incur, suffer or be required to pay by reason of or arising out of any work done or action taken under this Ordinance.

(4) Each and every policy of insurance herein mentioned which is required pursuant to the terms of this chapter shall carry with it an endorsement to the effect that the insurance carrier will transmit to the Township, by certified mail, written notice of any modifications, alterations or cancellation of any policy or policies or the terms thereof. The above mentioned written notice shall be mailed to the Township at least ten days prior to the effective date of any such modification, alteration or cancellation.

#### §128.6 COLLECTION VEHICLES.

All vehicles used for collection and transportation of municipal waste shall comply with all safety regulations of the Commonwealth. All vehicles used for collection of municipal waste and garbage shall be equipped with a closed body and shall be watertight and approved by the Municipality. Open type vehicles may be used for bulky waste. Such vehicles shall not be overfilled so as to cause the waste to be spilled therefrom, shall be cleaned at such intervals as necessary to prevent a nuisance from odors and shall be kept in good repair and order. Any waste that may be spilled in transit in the course of collection shall be promptly and completely cleaned up by the collector.

#### §128.7 IDENTIFICATION OF VEHICLES.

The collector's name and address as well as the tare weight of the collection vehicle shall be painted on both sides of the vehicle in letters not less than three inches high. Where rolloffs are used, the tare weight of both the truck and the container shall appear on the truck and the rolloff container.

#### §128.8 TIMES OF COLLECTION; PLACEMENT OF CONTAINERS.

Municipal waste shall be collected at least once a week as the contractual arrangement between the homeowner, householder or lessee and the collector may provide. Times of collection may be established by resolution of the Board of Supervisors. Municipal waste containers shall, for the purpose of collection, be placed at ground level and shall be readily accessible to the collector.

#### §128.9 GARBAGE PREPARATION AND STORAGE PRACTICES.

The following standards shall be adhered to in the preparation or storage of garbage:

(a) Preparation. No more water shall be permitted in garbage than has naturally accumulated from table refuse.

(b) Storage.

(1) The owners or occupants of dwellings, apartments or other residential units and the owners or occupants of other places where garbage is produced shall provide and maintain containers, as specified in paragraphs (b)(3) and (4) hereof, for the storage of all garbage accumulated on the premises. A sufficient number of such containers shall be maintained for each premises as shall be sufficient to contain normal accumulation of garbage between the intervals of collection.

(2) The Municipality may by resolution make additional rules and regulations concerning garbage preparation, storage and collection practices.

(3) Containers shall be made of non-water absorbent material and shall be equipped with lids of nonabsorbent material. Such containers shall be watertight, prevent the entry of flies and shall be kept in good repair at all times.

(4) No person shall permit the accumulation of residual liquids or solids on the bottom or sides of garbage containers. The interior of containers shall be kept clean by thoroughly rinsing and draining as often as necessary.

(5) No person shall accumulate garbage longer than seven days. No person shall place garbage at a curbside sooner than twenty-four hours before the scheduled collection time.

(6) No person shall deposit or permit the deposit of garbage on the ground, on the public streets or alleys or in any body of water in the Municipality.

#### §128.10 GEOGRAPHICAL RESTRICTIONS.

Treatment of any municipal waste generated in another municipality is prohibited.

§128.11 REMOVAL OF CONTAGIOUS REFUSE.

The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the County Health Officer. No person shall place such refuse in containers for regular collections.

§128.12 PRIVATE DUMPS AND LANDFILLS.

No person shall use or permit to be used any property owned or occupied by him or her within the Municipality as a public or private dump or landfill for municipal waste, whether generated within the Municipality or elsewhere.

§128.13 FUTURE RULES AND REGULATIONS.

The collection of municipal waste in the Municipality shall be subject to such additional rules and regulations as are passed by resolution from time to time and promulgated by the Board of Supervisors. However, no such rules or regulations shall be contrary to this chapter or other applicable law.

§128.14 ABATEMENT OF NUISANCES.

In addition to the penalty provided for in Section 128.15, any continued violation of any of the provisions of this chapter which constitutes a nuisance in fact or which, in the opinion of the Board of Supervisors, constitutes a nuisance, may be abated by a proceeding against the violators in a court of equity or by seeking other relief available to the Municipality, whether in equity or at law.

§128.15 PENALTY.

Any person or entity shall, upon being adjudged guilty of violating this Chapter before any Justice of the Peace having jurisdiction within Worcester Township, be sentenced as provided in Chapter 1, Article II, General Penalty.

**SECTION II. Admendment to the Code**

The Codified Ordinances of Worcester Township are hereby amended by adding a new Chapter 116 entitled "Recyclable Materials Management" as follows:

**CHAPTER 116  
Recyclable Materials Management**

§116.1 TITLE.

This chapter shall be known as the "Municipal Waste Collection and Recycling Ordinance."

§116.2 DEFINITIONS.

(a) As used in this chapter, the following terms shall have the meanings indicated:

(1) "Act 97" means the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq.

(2) "Act 101" means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act of July 28, 1988, No. 101.1 as amended.

(3) "Aluminum" means empty, all aluminum beverage and food containers, commonly known as "aluminum cans."

(4) "Authority" means the Northern Montgomery County Recycling Commission which is established as provided for in Act 101.

(5) "Bimetal cans" means empty food or beverage containers constructed of a mixture of ferrous metal, usually tin or steel, and nonferrous metal, usually aluminum.

(6) "Corrugated paper" means paper products made of a stiff, moderately thick paper board, usually containing folds or alternating ridges, commonly known as "cardboard."

(7) "DEP" means the Pennsylvania Department of Environmental Protection.

(8) "Glass" means products made from silica or sand, soda ash and limestone; the product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

(9) "Grass clippings" means the material bagged or raked during or after the cutting of a lawn, field or similar grassed area. Leaf waste which contains grass clippings shall be considered grass clippings.

(10) "High-grade office paper" means all types of white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

(11) "Household hazardous waste" means small quantities of hazardous waste (as defined in Act 97) available to a person or entity on a retail basis, such as pesticides, certain paints, aerosol cans and fertilizers.

(12) "Leaf waste" means leaves, garden residues, shrubbery, tree trimmings and similar material, but does not include grass clippings.

(13) "Magazines and periodicals" means printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.

(14) "Mixed paper" means all types of paper combinations, such as colored paper, carbonless forms, ledger paper, paper envelopes, mixtures of high-grade office paper and the like.

(15) "Municipal waste" means any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous materials, resulting from 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 Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

(16) "Municipal waste collector(s)" means any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials collecting or transporting municipal waste and/or recyclable materials for owners or occupants of property in the Municipality, including the Municipality itself, if it undertakes the collection of municipal waste, and pursuant to any regulations that may be established by resolution and adopted pursuant hereto, and pursuant to any intermunicipal agreement that may be subsequently executed by the township with the county or other municipalities. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

(17) "Newspaper" means paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

(18) "Person" or "entity" means any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal

institution or agency, state institution or agency, other governmental agency, authority or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this chapter prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

(19) "Plastic containers" means empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

(20) "Recyclable materials" means materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to: clear glass, colored (brown or green) glass, aluminum, steel and bimetal cans, highgrade office paper, mixed paper, newspaper, corrugated paper and plastic containers.

(21) "Resident(s)" means any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties, which owns, leases or occupies a property located in the township used as a residence and having curbside collection of municipal waste.

(22) "Township" means Worcester Township.

(23) "White goods" means refrigerators, washing machines, clothes dryers, window air conditioners, hot water heaters and other major home appliances.

(b) All terms not separately defined in this chapter that are contained in Act 97 and Act 101 are incorporated herein by reference.

#### §116.3 LEGISLATIVE INTENT.

(a) The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. It is the intent of this chapter to promote, require and regulate recycling activities in the township and to protect the health, safety and welfare of residents.

(b) This chapter has been developed to meet and implement municipal responsibilities established under Act 101.

(c) The Township's adoption of this chapter does not preclude the future assignment of its responsibility as it relates to the coordination, regulation and/or enforcement of recycling activities. Such assignment of responsibilities will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling.

#### §116.4 PROGRAM RESPONSIBILITIES OF TOWNSHIP.

(a) In accordance with the responsibilities set forth in this chapter, the Township is authorized to establish rules and regulations related to the separation, collection, processing and marketing of recyclable materials and to enforce all such rules and regulations. The Township shall determine the recyclable materials to be separated by a person or entity and collected by the municipal waste collector. The Township may modify the list of recyclable materials to be separated by a person or entity and collected by the municipal waste collector by means of a resolution.

(b) The Township shall, in conjunction with the municipal waste collectors, be responsible for establishing an education program and together shall conduct and maintain a comprehensive public information program as follows:

(1) The Township shall include articles and information on recycling requirements and activities within regular newsletters or mailings to residents and businesses in the community.

(2) The municipal waste collectors shall, at least thirty days prior to the start of the recycling program and at least every six months thereafter, deliver or include with their invoices sent to customers, an information sheet on recycling. At the request of the municipal waste collectors, the Township will, as a service to the municipal waste collectors, provide facts relative to the requirements and operation of the recycling program that can be utilized in the aforementioned information sheet.

(c) The municipal waste collectors shall be responsible for obtaining all weight and volume quantity data. Said data shall be supplied to the Township on a quarterly basis and fourth quarter data shall be supplied to the Township by January 15 for the preceding year, so that the Township may submit reports in accordance with Act 101 and other applicable laws and submit applications for recycling performance grants.

(d) Each person or entity in the Township, as required by Act 101, shall be responsible for complying with the requirements of this chapter for the separation of recyclable materials. This shall include tenants and lessees occupying rented and nonowned property.

(e) Owners, landlords or agents of any leased or rented property, other than single-family type homes or single tenant occupied property, shall be responsible for publicly posting educational information provided by the Township and/or municipal waste collectors, providing appropriate recyclable material collection containers and providing for pick-up of such containers in accordance with this chapter. Owners, landlords or agents of a leased or rented property occupied by a single tenant may assign such responsibility to the tenant or lessee occupying a property, in writing or through a lease or rental agreement.

(f) In accordance with Section 1501(c)(1)(iii) of Act 101, the Township shall exempt persons occupying commercial, institutional and municipal establishments from the requirements of this chapter if they have otherwise provided for the recycling of materials designated by this chapter. To be eligible for this exemption, the commercial, institutional or municipal waste generator must provide, on a quarterly basis, written documentation to the Township of the total quantity of each material recycled. Fourth quarter data shall be supplied to the Township by January 15 for the preceding year.

#### § 116.5 RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS.

(a) The collection equipment and transportation vehicles used for the collection of municipal waste within the Township shall be of the closed body type with an automatic compactor unit and said collection equipment and transportation vehicles shall be labeled to indicate the name of the municipal waste collector and shall further indicate that the vehicle is transporting municipal waste or recyclable materials. Said vehicles shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other type vehicles may be used only for the collection of recyclable materials and white goods provided such items are separately collected in accordance with regulations established by the Board of Supervisors of the Township by a resolution. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

(b) Each person or entity interested in becoming a municipal waste collector must provide certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance, and automobile insurance with respect to personal injuries and property damage at the request of Township. Such insurance shall be in amounts set forth in Section 128.5 of the Solid Waste Management Ordinance.

(c) Each municipal waste collector shall, on the first day of each calendar quarter, file a rate schedule with the Township showing the rates to be charged to its customers for the collection of municipal waste and recyclable materials. Such rate schedule shall not be changed by the municipal waste collector without first giving notice to the Township at least thirty days prior to the effective date of such change. Each municipal waste collector shall file a map with the Township on the first day of each calendar year, or upon changes of its routes, showing the areas of the Township in which it operates and a timetable setting forth the days of collection. Collections of municipal waste and recyclable materials by municipal waste collectors shall take place solely between the hours of 6:30 a.m. and 10:00 p.m.

(d) The Collector shall be responsible for the bulk ordering and purchasing of recycling containers for residents. One recycling container shall be provided for each residential unit (with the possible exception of one container to serve two or more multi-family residential units) in the Township. Residents may use recycling containers other than those obtained from the Collector, provided said recycling containers are appropriately labeled or otherwise identified as containers for recyclable materials.

(e) Each municipal waste collector shall be responsible for complying with the requirements of this chapter for the collection, processing and marketing of recyclable materials.

#### §116.6 DELEGATION OF PROGRAM RESPONSIBILITIES BY TOWNSHIP

(a) Nothing in this chapter shall prohibit the Township from assigning a portion or all of its responsibilities under Act 101 and this chapter to another entity. Such assignment of responsibility will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling, municipal waste collector subscription service to individual customers, franchising or bidding of municipal waste collector services on a partial or community-wide basis, or municipal waste collector services provided by a Municipality.

#### §116.7 DESIGNATION OF RECYCLABLE MATERIALS.

(a) Every resident of the township shall be required to separate, at a minimum, newspaper, aluminum, clear glass, colored glass, bimetal cans and plastic products identified with either a #1 or a #2 for recycling. Commercial, municipal and institutional establishments shall be required to separate, at a minimum, high grade office paper and corrugated paper from municipal waste in addition to aluminum. The Township may require that residents and commercial, municipal and institutional establishments separate other recyclable materials by regulations established by resolution of the Board of Supervisors.

(b) Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law. Provisions for the collection or use of leaf waste shall be the responsibility of the municipal waste collectors as more fully set forth in Section 116.12.



(c) All occupants of single-family homes, townhomes, rowhouse-type residences and all other dwellings where individual municipal waste collection occurs, shall maintain a separate container of the type specified or provided by the Township or municipal waste collector to collect all designated recyclable materials in a comingled or modified comingled (e.g. different materials separated into brown paper bags and placed in the container) fashion, as established by the municipal waste collector. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at 6:00 p.m. on the evening prior to the day of scheduled collection, and the empty container shall be removed by 12:00 midnight on the day of scheduled collection. Newspapers may also be placed in brown paper, grocery store bags or bundled and tied, both across and lengthwise, with rope or cord and kept dry prior to collection, and placed at curbside with the recycling container. No such municipal waste containers or recyclable material containers, including bundles of newspapers (other than containers supplied by municipal waste collectors) shall weigh more than 50 pounds, and containers or bundles shall not be placed in the cartway. Municipal waste placed at the curb or street line for collection must be in closed, waterproof containers.

(d) Owners or landlords of any multi-family residential units, such as apartments or condominiums where individual residential refuse collection does not occur, shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector and source-separated or comingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multi-family residential units who comply with the requirements of this section shall not be liable for the noncompliance of any person or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multi-family residential units shall be responsible for separating recyclable materials and placing them in the containers or dumpsters provided for such purposes.

(e) Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements in Subsection (d) hereof unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property. Such assignment may only occur, however, where a single tenant occupies the entire leased or rented property.

#### §116.8 COLLECTION OF RECYCLABLE MATERIALS.

(a) The municipal waste collector shall, in providing refuse collection and disposal services to a single-family residential home, also provide for the collection of recyclable materials. Where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection. Customers using once a month municipal waste collection must have recyclable materials collected at least once a month. Where a customer's designated day for the collection of recyclable materials falls on a holiday, the municipal waste collector shall collect recyclable materials on another day and shall notify those customers affected of that change. On January 30<sup>th</sup> of each year, the municipal waste collector shall provide proof to the township that the collection of recyclable materials by it can be undertaken in accordance with the requirements of this chapter.

(b) The collection of recyclable materials for all establishments, other than single-family residential homes, shall be on an as-required basis.

(c) No municipal waste collector shall be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.

§116.9 PROCESSING AND MARKETING OF RECYCLABLE MATERIALS.

(a) The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials. Such activities may be conducted by the municipal waste collector or any agent thereof, or a private entity conducting such business, a nonprofit entity able to undertake such effort, or any governmentally owned or operated facility capable of such functions.

(b) The municipal waste collector shall, prior to initiating processing and marketing activities, provide the township with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.

(c) The municipal waste collector shall, as part of its recording activities, provide a detailed listing of where the recyclable materials are sold or deposited and the weights of each of the recyclable materials so delivered. The municipal waste collector shall, upon request, provide the township with copies of applicable licenses or permits of the ultimate facility(ies) to which the recyclable materials will be delivered.

§116.10 OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE.

(a) All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in Section 116.11.

(b) It shall be a violation of this chapter for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in Section 116.11. Each unauthorized collection from one or more designated locations on one calendar day in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§116.11 ALTERNATE RECYCLING ACTIVITIES.

(a) Any person or entity may utilize alternative recycling methods, other than collection by a municipal waste collector, to accomplish the purpose of reutilizing recyclable materials. Recyclable materials may be donated or sold to any person or entity, whether operating for profit or not, provided that the recycler shall not utilize alternate recycling methods without prior written permission from the Township. Such materials must be delivered to the alternate recycling site or arrangements made with the alternate collector to pick up the recyclable materials at a time that will not interfere with the operations of the municipal waste collector. Each person or entity accepting recycled materials under this section must provide quarterly written documentation to the Township of the total quantity of each material recycled.

(b) The Township shall permit an alternative recycling program to be developed in accordance with Paragraph 1501(h) of Act 101 if the requirements of that paragraph can be complied with. The Township shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide quarterly written documentation to the Township of the total quantity of each material recycled.

§116.12 HANDLING OF LEAF WASTE.

(a) As part of the municipal waste collection service provided by the municipal waste collectors pursuant to this chapter, said municipal waste collectors shall provide leaf waste collection service,

either by using their own vehicles and facilities or by making contractual arrangements with others to do so.

(b) Leaf waste collection shall be undertaken by municipal waste collectors in accordance with regulations of the DEP and leaf waste disposal shall be undertaken by municipal waste collectors in a DEP-approved facility or DEP-approved manner.

(c) All municipal waste collectors shall provide the Township with the location of the facility(ies) to which the leaf waste will be delivered. Such location shall be in accordance with the regulations of the Commonwealth of Pennsylvania and the DEP. The disposal of noncomposted leaf waste at a sanitary landfill or waste-to-energy facility is strictly prohibited.

(d) The methodology for separating and collecting leaf waste shall be established by the municipal waste collectors and by the Township. All municipal waste collectors shall provide the Township with a leaf waste collection/disposal plan, setting forth information as to their expected leaf waste collection and disposal service to their customers, on or before July 31 of each year, and the Township shall have the right to deny any municipal waste collector additional collection privileges within the Township for either failing to timely file such plan or improper or unlawful leaf waste disposal in violation of the plan or DEP regulations. Leaf waste shall not be left at curbside sooner than 24 hours prior to collection and shall not be left in a form that obstructs the flow of traffic or affects the performance of drainage facilities or catch basins. Leaf waste containers or bags shall not be placed in the cartway.

#### §116.13 RECORDKEEPING.

(a) All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the Township. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the comingled recyclable materials shall also be provided. Written reports shall be provided to the Township on reporting forms provided by the Township and shall include the name and location of the processing center and/or recyclable materials dealer, and the weights of each of the recyclable materials delivered to such center and/or dealer, and shall be submitted in accordance with the time schedules established in this chapter.

(b) Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation of the total quantity of leaf waste collected must be provided to the Township by January 31 of each year for materials collected in the preceding calendar year.

(c) Except as noted in Section 116.11(a) and (b) and Subsection (b) hereof, all records shall be provided to the Township on a quarterly basis in typewritten tabular form and shall be due within 30 days after the end of each calendar quarter.

#### §116.14 ENFORCEMENT AND PENALTIES.

(a) Any person or entity who shall violate the provisions outlined herein regarding the separation of recyclable materials shall receive an official written warning of noncompliance from the Township for the first offense. Thereafter, all such violators of the provisions of this chapter shall, upon being adjudged guilty of violating this Chapter before any justice of the peace having jurisdiction within said Township, be sentenced as provided in Chapter 1, Article II, General Penalty.

(b) Any person or entity who shall violate the provisions outlined herein regarding the unauthorized collection of recyclable materials shall be liable for payment of a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

(c) No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein regarding the separation of recyclable materials with written notice for the first offense and also provide the Township with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this section and collect municipal waste containing recyclable materials or leaf waste from a person or entity who has previously been notified by the Township and/or a municipal waste collector of noncompliance shall receive an official warning for the first offense. The municipal waste collector shall, for subsequent offenses within a two-year period of the warning, be liable to a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

#### §116.15 INTERPRETATION.

This chapter shall be construed under the laws of the Commonwealth.

#### §116.16 MODIFICATIONS.

The Township may, from time to time, modify the regulations adopted in accordance with this chapter or make modifications to this chapter.

#### §116.17 IMPLEMENTATION BY WASTE COLLECTORS.

Municipal waste collectors shall take the necessary steps to implement the collection of recyclable materials upon the effective date of this chapter.

### **SECTION III. Repealer**

Ordinance No. 237 and all other ordinances and resolutions or part thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

### **SECTION IV. Severability**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

### **SECTION V. Failure to Enforce Not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VI. Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 15th day of October, 2003.

**WORCESTER TOWNSHIP**

By: Frank L. Davey  
FRANK L. DAVEY, Chairman  
Board of Supervisors

Attest: John R. Harris  
JOHN R. HARRIS, Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on October 15, 2003, at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and will consider for adoption an ordinance entitled "Solid Waste Management and Recycling Ordinance" amending the Codified Ordinances of Worcester Township by deleting the existing Chapter 128 in its entirety and adding a new Chapter 128 entitled "Solid Waste Management" which includes definitions; adoption of the solid waste management rules and regulations of the Department of Environmental Protection; applicability to municipality; regulation of collectors; regulation of collection vehicles; requiring identification on collector's vehicles; establishing times of collection and placement of containers; establishing proper garbage preparation and storage practices; prohibiting the treatment and/or collection of municipal waste not generated in the Township; regulating removal of contagious refuse; prohibiting private dumps and landfills; permitting collection by Township at its discretion; permitting future rules and regulations to be promulgated by Township; abatement of nuisance requirements and penalties for violations of chapter; and amending the Codified Ordinances of Worcester Township by deleting the existing Chapter 116 in its entirety and adding a new Chapter 116 entitled "Recyclable Materials Management"; which includes definitions; legislative intent; program responsibilities of Township; responsibilities of municipal waste collectors; delegation of program responsibilities by Township; designation of recyclable materials; collection procedures of recyclable materials; processing and marketing of recyclable materials; establishing ownership of recyclable materials and municipal waste; alternate recycling activities; proper handling of leaf waste; record-keeping by collectors; enforcement and penalties for violation of the Chapter; interpretation; modifications; and implementation by waste collectors.

Copies of the full text of the proposed ordinance are available for public inspection and copying at the Worcester Township Building, 1721 Valley Forge Road, Worcester, the offices of the Times Herald, 401 Markley Street, Norristown, Pennsylvania, 19404, and the Montgomery County Law Library, Court House, Norristown, Pennsylvania during normal business hours.

**JAMES J. GARRITY, ESQUIRE  
MARK A. HOSTERMAN, ESQUIRE  
WISLER, PEARLSTINE, TALONE,  
CRAIG, GARRITY & POTASH, LLP**

Solicitors for Worcester Township

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 03-194**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 122 (SEWERS), ARTICLE VII (FAIRVIEW VILLAGE SEWER DISTRICT), SECTION 122-41 (ESTABLISHMENT OF DISTRICT) BY MODIFYING THE EXISTING SECTION 122-41 AND BY ADDING A NEW ARTICLE VIII WHICH ESTABLISHES THE FAIRVIEW VILLAGE EAST SEWER DISTRICT, THE FAIRVIEW VILLAGE WEST SEWER DISTRICT AND THE VALLEY FORGE ROAD SEWER DISTRICT; AND FURTHER REQUIRING ADJOINING AND ADJACENT PROPERTY OWNERS TO CONNECT AND USE THE SANITARY SEWER SYSTEM IN THE NEWLY ESTABLISHED SEWER DISTRICTS AND PROVIDING FOR THE OBLIGATORY CONNECTION OF PROPERTIES ON WHICH IS LOCATED A PRINCIPAL BUILDING WITHIN 150 FEET OF THE SEWER SYSTEM, AS EXTENDED; SETTING FORTH THE COSTS, TAPPING FEES AND SIMILAR FEES; PROVIDING THAT NO CAPACITY IS GUARANTEED FOR A PROPERTY OWNER UNTIL SUCH TIME AS TAPPING FEES HAVE BEEN PAID OR SECURED BY OTHER FINANCIAL SECURITY.**

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The Board of Supervisors of Worcester Township does hereby **ENACTED** and **ORDAINED**:

**SECTION I. Amendment to the Code.**

The codified ordinances of Worcester Township, Chapter 122 (Sewers) Article VII (Fairview Village Sewer District), specifically, Section 122-41 (Establishment of District) is hereby deleted in its entirety and replaced with a new Section 122-41 as follows:

**Section 122-41. Establishment of District**

There is hereby established a separate sewer district in Worcester Township which shall be comprised of the residential, commercial, office and all other properties adjoining or adjacent to and/or utilizing, the sanitary sewer lines flowing to the Berwick Place Wastewater Treatment

Plant as configured on May 21, 2003 which properties and facilities shall be known hereafter as the "Fairview Village Sewer District."

**SECTION II. Amendment to the Code.**

The codified ordinances of Worcester Township, specifically Chapter 122 (Sewers) are hereby amended to add a new Article as follows:

**Article VIII. Fairview Village East, Fairview Village West and Valley Forge Road Sewer Districts.**

**Section 122-47. Establishment of Districts.**

There are hereby established three (3) new, separate sewer districts in Worcester Township which shall be comprised of the residential, commercial, office and all other properties categorized as follows:

Fairview Village East Sewer District. Those properties located on Artmar Road and/or Ethel Road which will be served by the Berwick Place Wastewater Treatment Plant commencing after May 21, 2003, which properties are more fully identified in Resolution No. 03-16, adopted by the Board of Supervisors on May 21, 2003, which Resolution is incorporated herein by reference as though set forth at length.

Fairview Village West Sewer District. Those properties located on Adair Drive which will be served by the Berwick Place Wastewater Treatment Plant commencing after May 21, 2003, which properties are more fully identified in Resolution No. 03-16, adopted by the Board of Supervisors on May 21, 2003, which Resolution is incorporated herein by reference as though set forth at length.

Valley Forge Road Sewer District. Those properties located on Valley Forge Road which will be served by the Berwick Place Wastewater Treatment Plant commencing after May 21, 2003 which are more fully identified in Resolution No. 03-16, which was adopted by



the Board of Supervisors on May 21, 2003, which Resolution is incorporated herein by reference as though set forth at length.

**Section 122-48. Residential Rates and Charges.**

All dwelling units and other residential uses within the Fairview Village East Sewer District, the Fairview Village West Sewer District and the Valley Forge Road Sewer District shall be charged uniform rates and charges on a quarterly basis in accordance with Article II of this chapter.

**Section 122-49. Non-Residential and Mixed-Use Rates and Charges.**

A. For all non-residential and mixed-use properties within the Fairview Village East Sewer District, the Fairview Village West Sewer District and/or the Valley Forge Road Sewer District, the sewer rates and charges shall be based on water consumption records for the preceding month, or quarter at the Township's discretion, as recorded by the public water provider utilized by the property owner.

B. In those cases where properties secure water from wells or from sources other than a water company, the Township engineer shall estimate the water consumed by said properties by utilizing standard, accepted water usage factors as established for similar-type facilities. In lieu of the water consumption estimate of the Township engineer, the property may, at its own expense, install a water meter to measure water consumption on the premises, which meter specifications and installation location shall be approved by the Township. When installing such a water meter, the property owner shall grant access to the Township for meter reading.

C. The quarterly sewer rental rate or charge shall be calculated on the total water consumption. A minimum quarterly sewer rental charge of \$5.40 for each 1,000 gallons of metered water consumed on the premises is hereby imposed upon all non-residential, or mixed-

use owners or their successors in title as herein provided, which shall be collected by Worcester Township in use for payment of the cost of operating and maintaining that portion of the Township sewerage collection and disposal system comprising the Fairview Village East Sewer District, the Fairview Village West Sewer District and the Valley Forge Road Sewer District, respectively, and for a reserve fund sufficient for their future replacement.

**Section 122-50. Billing Procedures.**

Bills for the sewage charges imposed hereby shall be rendered monthly or quarterly at the Township's discretion and shall cover the billing period consisting of the immediately preceding quarter. Bills shall be due and payable on the billing date, and the appropriate amount computed in accordance with this article shall constitute the net bill. If the charges are not paid within 30 calendar days after each billing, an additional sum of 10% shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the first day of the end of such thirty-calendar-day period shall constitute payment within such period. If the end of such thirty-calendar-day period shall fall on a legal holiday or on a Saturday or Sunday, payment made or mailed and postmarked on the next succeeding day which is not a legal holiday shall constitute payment within such period. Any bill not paid within said thirty-calendar-day period shall be deemed delinquent.

**Section 122-51. Liens.**

The sewage charges imposed by this article shall be a lien upon all real property within the Fairview Village East Sewer District, the Fairview Village West Sewer District and the Valley Forge Road Sewer District; and any such charged which are delinquent shall be filed as a lien against said property, which lien shall be filed in the office of the Prothonotary of Montgomery County, Pennsylvania, and shall be collected in the manner provided by law for the

filing and collecting of municipal claims. Interest collected on liens filed by the Township shall accrue at the rate of 10% per annum from the date of the filing of the lien until paid.

**Section 122-52. Adoption of Additional Rules and Regulations.**

The Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as, part of this article.

**Section 122-53. Requirement to Connect and Use the Sanitary Sewer System.**

All property owners whose properties adjoin and are adjacent to the sanitary sewer system of the Township are required to connect and use the sewer system. Each owner who owns a property on which is located a principal building within 150 feet of the sanitary sewer system is also required to connect and use the sewer system.

**Section 122-54. Construction Costs and Tapping Fees.**

The cost of construction of the sanitary sewer system shall be charged upon all properties accommodated or benefited by the construction. Properties within the Fairview Village East Sewer District, the Fairview Village West Sewer District and/or the Valley Forge Road Sewer District, and each of them, are hereby assessed and required to pay to Worcester Township the following fees at the time service in the sewage system is available to their respective properties:

**Fairview Village East Sewer District**

Lateral Cost.....	\$1,060.00
Tapping Fee – Capacity Component.....	\$3,500.00 (per EDU)
Tapping Fee – Reimbursement Component .....	<u>\$3,169.00</u>
Total .....	\$7,729.00

Fairview Village West Sewer District

Lateral Cost.....	\$1,755.00
Tapping Fee – Capacity Component.....	\$3,500.00 (per EDU)
Tapping Fee – Reimbursement Component .....	<u>\$ 785.00</u>
Total .....	\$6,040.00

Valley Forge Road Sewer District

Lateral Cost.....	\$1,355.00
Tapping Fee – Capacity Component.....	\$3,500.00 (per EDU)
Tapping Fee – Reimbursement Component .....	<u>\$ 785.00</u>
Total .....	\$5,640.00

Each landowner is responsible for permit fees, on-site plumbing costs required for connection, as well as the deactivation and the closing down of any existing, on-site sanitary system. Commercial, office and all other non-residential properties may require the purchase of more than one (1) EDU, pursuant to Section 49 of this Chapter. No capacity is guaranteed for a property owner until such time as the tapping fees have been paid or secured by financial security, at the Township's option.

**SECTION III. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of

the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION IV. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

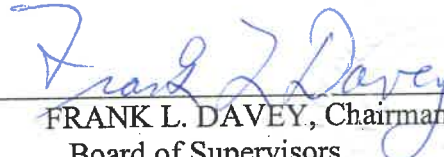
**SECTION V. Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 18th day of February, 2003.

**WORCESTER TOWNSHIP**

By:

  
FRANK L. DAVEY, Chairman  
Board of Supervisors

Attest:

  
CHASE E. KNEELAND, Vice Chairman

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2003-195**

**"SUPERVISORS' COMPENSATION ORDINANCE"**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 26 (SALARIES AND COMPENSATION), ARTICLE I (BOARD OF SUPERVISORS), SECTION 26-1 (COMPENSATION; PAYMENT) SUBSECTION A, TO ESTABLISH THE COMPENSATION FOR EACH MEMBER OF THE BOARD OF SUPERVISORS AT THE RATE PERMITTED BY THE SECOND CLASS TOWNSHIP CODE TO BE PAID AFTER EACH SUPERVISOR'S DATE OF ELIGIBILITY.**

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The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN:**

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 26 (Salaries and Compensation), Article I (Board of Supervisors), Section 26-1 (Compensation; Payment) Subsection A is hereby amended by deleting the existing Subsection A in its entirety and replacing it with a new Subsection A as follows:

A. Each Supervisor of Worcester Township who is elected or appointed to office on or after the effective date of this Section shall receive compensation for attending duly advertised general or special public meetings or hearings of the Board of Supervisors or other meetings authorized by the Board of Supervisors at the rate of One Hundred Sixty Dollars (\$160.00) for each meeting attended by each supervisor, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per year. Each Supervisor of Worcester Township who is elected or appointed to office on or before the effective date of this Section shall continue to receive compensation at the present rate during the remainder of his term of office.

**SECTION II. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION III. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION IV. Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION V. Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 5th day of January, 2004.

**WORCESTER TOWNSHIP**

By: \_\_\_\_\_  
Frank L. Davey, Chairman  
Board of Supervisors

Attest: \_\_\_\_\_  
John R. Harris, Secretary

**NOTICE**

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on January 5, 2004, at 11:00 A.M.. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Supervisors' Compensation Ordinance" amending the Codified Ordinances of Worcester Township, Chapter 26 (Salaries and Compensation), Article I (Board of Supervisors), Section 26-1 (Compensation; Payment) Subsection A, to establish the compensation for each Member of the Board of Supervisors at the rate permitted by the Second Class Township Code to be paid after upon each Supervisor's date of eligibility.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Times Herald*, 401 Markley Street, Norristown, Pennsylvania, 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania, 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE  
MARK A. HOSTERMAN, ESQUIRE  
WISLER, PEARLSTINE, TALONE,  
CRAIG, GARRITY & POTASH, LLP  
Solicitors for Worcester Township**