

WASHINGTON TOWNSHIP

AMENDED ORDINANCE  
NO. 143

AN ORDINANCE REGULATING THE CARE, COLLECTION, REMOVAL AND DISPOSAL OF COMBUSTIBLE AND NONCOMBUSTIBLE REFUSE, AND GARBAGE, CREATED OR ACCUMULATED WITHIN OR TRANSPORTED INTO OR THROUGH THE TOWNSHIP OF WASHINGTON; DEFINING THE COMPONENTS OF SUCH REFUSE AND GARBAGE; PROVIDING FOR THE APPOINTMENT AND LICENSING OF THE COLLECTOR OR COLLECTORS OF SUCH REFUSE AND GARBAGE, AND ENTERING INTO CONTRACTS THEREWITH; PROHIBITING THE COLLECTION OR REMOVAL OF SUCH REFUSE AND GARBAGE BY OTHERS THAN THE DULY AUTHORIZED AND LICENSED COLLECTOR OR COLLECTORS; AND PROVIDING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OR REQUIREMENTS OF SAID ORDINANCE.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Washington and it is hereby ordained and enacted by authority of the same:

That the regulations adopted by said Township for defining refuse and providing for its care, collection, and removal and disposal shall be as follows:

SECTION 1. That "combustible refuse", either domestic or commercial shall be defined as waste substances capable of incineration or burning and comprises garbage, paper, rags, excelsior and other like materials.

That "non-combustible refuse", either domestic or commercial, shall be defined as waste substances not ordinarily subject to incineration or burning and comprises tin cans, glass, pottery, china and like material.

SECTION 2. "Garbage", either domestic or commercial, shall mean all putrescible materials including vegetable and animal wastes which may result from the storage or handling of such matter, or which may be used in the preparation and consumption of food. Foreign matter such as glass, china or other similar substances are excluded.

The word "person" shall include persons, firms, corporations, governmental subdivisions (except Washington Township), partnerships, association, institution, or any other entity whatsoever.

Before any garbage is deposited in a container, it must be thoroughly drained and wrapped in paper or other combustible material. No garbage shall be allowed to remain in an exposed condition in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the same in a container.

No person shall throw, place or deposit garbage or other refuse on any road, street, highway, or other public place, or on or in any public or private property, except in proper containers, and no person shall remove the lid of any container without properly replacing it. No person shall overturn or empty the contents of a container on either public or private property or shall any person otherwise dispose of the contents of a container other than the authorized collector or his agent. It shall be unlawful for any person to haul or

transport by any means whatsoever any waste, refuse, trash, garbage, rubbish, decaying matter or organic waste over the roads, highways, alleys or lands within the Township of Washington aforesaid from a point outside the limits of said Township for the purpose of accumulating, dumping or otherwise depositing any of said matter on public or private property within the Township of Washington.

SECTION 3. All containers used for either domestic or commercial garbage, shall be of substantial, water-tight, metal construction with a tight-fitting lid and of a size as to be easily handled by one man, and in no case shall they have a capacity of more than twenty-seven (27) gallons, or larger than what is known as a No. 2 container.

All containers, except for garbage, used for domestic or commercial combustible or non-combustible refuse shall be of such size as can be handled by one man, and no loaded container shall exceed sixty (60) pounds total weight. Separate containers shall be provided by the occupant of the premises for garbage and for each class of refuse, whether domestic or commercial.

During pickup hours, all containers must be located at ground level where they are easily accessible to the collector, not less than five (5) feet or more than ten (10) feet from state or township cartways, and shall be maintained in a sanitary condition by the occupant of the premises.

Pickup hours shall be between 8:00 A.M. and 9:00 P.M. (E.S.T.) on such days as may be established by the Township Supervisors. It shall be unlawful to place refuse, garbage or other substances on or near any public street, alley, avenue, highway, or public grounds except on pickup days.

No person shall allow unreasonable accumulations of refuse, garbage, and other substances to occur within any premises under his control. It shall be unlawful to place more than three (3) cans for pickup on any given pickup day. Failure to remove any existing or unreasonable accumulations of such refuse, or garbage within fifteen (15) days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

All materials, wanted or unwanted, resulting from construction or demolition work by contractors or individuals, can be removed or transported by said contractors or individuals, providing the equipment used for transporting materials conforms with Section 5 of this Ordinance.

SECTION 4. The garbage shall be collected from each and every residence within the Township, with separately contracted collections from hotels, motels, schools, restaurants, business establishments, industrial plants and the like. The Township Supervisors will determine the frequency

of collections of combustible and noncombustible refuse from residences.

SECTION 5. All vehicles used for the collection and removal of garbage must be equipped with watertight beds and sides, constructed of impervious material, and with a permanent covering on top. Their operation must be in a manner to conform to all local, county or state health requirements regarding the sanitary handling of such refuse.

Vehicles used in collecting and removing or transporting other classes of refuse shall be of such construction as to prevent the refuse from littering the streets or public or private property, and shall be covered at all times while the vehicle is in motion, or is standing unattended.

The authorized collector is required, at his own cost and expense, to furnish and operate all the vehicles or other equipment necessary to properly collect, remove and dispose of all classes of refuse. All vehicles or other equipment must be operated and maintained in a safe and sanitary condition. Vehicles or other equipment, property of the collector, must be maintained in such condition as to prevent garbage and other classes of refuse from spilling, dripping, or otherwise falling on the streets or other public or private

property. The careless handling of refuse by the collector's employees will not be permitted.

Each vehicle and other piece of equipment used by the collector in the collection, removal and disposal of refuse and garbage, must conspicuously display a valid refuse hauling license card issued by the Township Supervisors.

SECTION 6. The Township Supervisors shall provide for the collection, removal, and disposal of combustible and noncombustible refuse and garbage within the Township of Washington by contract which shall be awarded and entered into after advertising for applications. With the payment of a Ten (\$10.00) Dollar application fee, each applicant shall be furnished a copy of this Ordinance at such time as he shall obtain his application form.

Applications shall be made on such forms, as shall be prescribed by the Township Supervisors, and shall require the following information:

- (a) Whether the applicant desires to collect refuse or garbage or both.
- (b) The area in which the applicant proposes to provide his service.
- (c) The frequency of collections which the applicant will make from both domestic and commercial properties for refuse and/or garbage.

(d) The manner in which the applicant proposes to dispose of the refuse and/or garbage.

(e) The schedule of rates the applicant proposes to charge for the services he will furnish.

(f) The type of performance bond the applicant will furnish to the Township, which bond shall be in the total amount of the current yearly bid.

(g) Furnish evidence of bodily injury liability insurance in the minimum amount of One-Hundred Thousand (\$100,000.00) Dollars for each person and Three-Hundred Thousand (\$300,000.00) Dollars for each occurrence and property damage liability insurance in the minimum of Fifty-Thousand (\$50,000.00) Dollars for each occurrence.

(h) The term of contract the applicant desires which shall not be more than five (5) years.

(i) The type and make of the equipment which the applicant will use in making his collections.

Each application shall be filed with the Township Secretary. Upon determining the successful applicant or applicants, the Township Supervisors through their proper officers are hereby authorized to enter into a contract or contracts with the successful applicant or applicants for the service to be furnished by the applicant, which shall contain the

information on his application, including his schedule of rates which shall remain unchanged during the term of the contract, except with the written consent of the Supervisors. In addition, the contract shall incorporate this Ordinance by reference, and shall contained such other terms and conditions as are desirable and legal.

Upon the signing of the contract and the furnishing of the required bond, the successful applicant or applicants shall be deemed to be the Licensed Collector or Collectors of the Township for the term specified in the contract.

It shall be lawful for the Township Supervisors to award and enter into one or more contracts for the collection, removal, and disposal of refuse and/or garbage within the Township of Washington.

SECTION 7. No person shall be permitted to collect, remove or dispose of any garbage or other refuse within the Township, other than the Licensed Collector of his duly authorized agents and employees. Nothing in this Ordinance shall be construed in such a manner as to prevent any occupant of any premises from removing and disposing of his own refuse, provided it is done with his own equipment and in a manner to conform with this Ordinance. Nothing in this Ordinance shall be construed to prevent any person from operating a private incendiary on his property where in the opinion of the Supervisors such action shall not constitute a nuisance to the neighborhood.



#### SECTION 7.1 Fees.

The fees for the collection and disposal of combustible and noncombustible refuse and garbage from owners of residential property located within the Township of Washington shall be at a yearly rate per family unit per annum as set by the Supervisors. All titled owners of real estate situate in Washington Township whether living in, renting or leasing a single-family house, two-family house, apartment house, multi-family house or townhouse shall be liable for the said garbage tax of all/<sup>owned</sup>dwelling units at the rate per dwelling unit set by the Supervisors. The garbage fees shall be collected by the duly elected tax collector of Washington Township and paid annually in advance by each property owner. The gross bill shall be payable in the full amount within sixty (60) days after billing date. After a period of sixty (60) days from the billing date has elapsed, a gross bill will be henceforth subject to a penalty of ten per cent (10%) of the face amount of said bill. The township shall have the right to provide for the collection of unpaid charges by action in assumpsit by municipal lien, or at the election of the township in any other manner provided by law for the collection of a municipal claim.

#### SECTION 7.2 Claim for Exoneration.

In the event that all occupiers of real estate comprising a family unit fail to earn taxable income in any fiscal year as defined under the Federal Internal Revenue Code of 1954, as amended, which totals One Thousand (\$1,000.00) Dollars or less, said family unit will upon presentation of

sufficient evidence thereof to the Supervisors of Washington Township be exonerated from payment of the garbage fee owed by said family unit during the fiscal year. Forms for exoneration claims are to be provided by the duly elected Tax Collector of Washington Township and completed by the applicant or applicants with approval vested solely within the discretion of the Washington Township Supervisors.

SECTION 8. Any person violating any of the provisions of this Ordinance shall, upon conviction, be fined not less than \$25.00 nor more than \$100.00 for each offense, and in default of payment of said fine and costs, shall suffer imprisonment in the Northampton County Jail for a period not exceeding thirty (30) days. An Ordinance or parts of Ordinances in conflict with this Ordinance is hereby repealed insofar as the same effect this Ordinance.

SECTION 9. If any section, clause, sentence or part of this Ordinance is for any reason found to be unconstitutional, illegal and invalid by any Court of competent jurisdiction, such unconstitutionality, illegality and invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Supervisors of Washington Township that the Ordinance would have been adopted if such unconstitutional, illegal, or invalid sentence, clause, section or part thereof had not been included therein.

SECTION 10. Any Ordinance or part of an Ordinance heretofore enacted, containing prohibitions, regulations, licensing or other provisions relative to the subject matter of this Ordinance, is hereby repealed, provided however, that the same shall remain effective for the purpose of prosecution for violations thereof prior to the effective date of this Ordinance.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington, County of Northampton and State of Pennsylvania, on this *12* day of *April*, 1984.

WASHINGTON TOWNSHIP BOARD OF SUPERVISORS

*Carl B. Wagner*  
Chairman

*Richard A. Lane*

*Paul T. Miller*

ATTEST:

*Barbara J. Haller*  
Secretary