

ORDINANCE NO. 06-2010

**AN ORDINANCE OF WEST MANHEIM TOWNSHIP, YORK COUNTY,  
PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE  
COLLECTION OF MUNICIPAL WASTE AND RECYCLABLES.**

**WHEREAS**, the Township of West Manheim is adopting this Ordinance for the purpose of regulating the collection, transportation and disposal of municipal waste and recyclables and establishing criteria for the collection, transportation and disposal of municipal waste and recyclables and process for collecting fees for the collection, transportation and disposal of same.

**NOW, THEREFORE**, be it enacted and ordained by the Board of Supervisors of West Manheim Township, York County, Pennsylvania, as follows:

**1. Definitions.**

For the purpose of this Ordinance, the following terms, phrases or words shall have the meanings described to them in this Section, except where the context in which the word is used clearly indicates otherwise.

*Township* – The Township of West Manheim, York County, Pennsylvania.

*Township Collector* – That individual, partnership, firm, corporation or business entity designated by West Manheim Township by means of an independent contract as the collector having the exclusive right to collect municipal waste within the Township, but shall not be construed as meaning that said person is an employee, official or representative of the Township.

*Municipal Waste* – Garbage, rubbish, ashes, debris, yard waste, and industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial, institutional establishments, or from community activities.

*Recycling* – The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

**2. Mandatory Collection from Township Collector.**

It shall be mandatory for every rental unit, residential customer, commercial establishment, and commercial customer to have all of their municipal waste and recyclables collected by the Township Collector. Each rental unit, commercial establishment, residential customer, and commercial customer shall have their municipal waste and recyclables collected at least once per week, or more often, if necessary.

**3. Preparation of Municipal Waste.**

Each rental unit, residential customer, commercial establishment, and commercial customer shall prepare their municipal waste and recyclables for collection pursuant to the requirements of the contract with the Township Collector.

**4. Exclusive Contract Hauler.**

The Township shall award an exclusive contract for the collection of residential municipal waste and recyclables as specified in the contract documents. This hauler shall be known as the Township Collector.

**5. Recycling.**

The exclusive residential Township Collector shall provide curbside recycling service per the contract documents. The Township Collector providing recycling to customers in the Township is required to conform to all ordinances and laws of the Township, County and Commonwealth of Pennsylvania. The Township Collector providing recycling services in the Township is required to keep accurate weight receipts for all designated recyclable materials and municipal solid waste collected from the within Township and must provide these totals to the Township annually or as often as is deemed necessary by or specified in the exclusive contract documents and exclusive contract awarded by the Township. The Township Collector shall make available for inspection by the Township any records and/or weight receipts pertaining to customers in the Township. The Township Collector shall permit the Township to use the information collected pursuant to this section for the purpose of applying for and obtaining grants from the Commonwealth.

**6. Tenant or Occupant.**

If the owner of a Residential dwelling does not reside in the dwelling, the Township Collector may collect the fee for the collection, transportation and disposal of Municipal Waste and Recyclable Materials from the tenant or occupant of the Residential dwelling. The Township Collector shall be authorized to exercise the collection remedies provided for in subsection g below against the tenant or occupant. The Township Collector shall not be permitted to enforce the owner's duty to pay a tenant's or occupant's bill for service rendered, unless the Township Collector notifies the owner of the Residential dwelling within thirty (30) days after the tenant's or occupant's bill for service first becomes overdue. Notification shall be provided by first class or certified mail to the address of the owner and to the billing address of the tenant or occupant, respectively. The notice shall reference the enforcement provisions of this Ordinance and clearly indicate that the owner shall be responsible for overdue charges for service rendered to the tenant or occupant of the Residential dwelling. Nothing in this paragraph shall be construed to relieve the owner of liability for such service unless the Township Collector fails to provide the notice required in this paragraph.

**7. Penalties and Remedies**

- A. Any person violating any of the provisions of this Ordinance shall be guilty of a summary offense and shall upon conviction thereof before a District Magistrate, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) together with the cost of prosecution or to undergo imprisonment in the York County Prison for a period of not more than thirty (30) days. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this Section for each and every such separate offense.
- B. In addition to the foregoing penalty, the Township of West Manheim may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove the same within ten (10) days after written notice, the Township of West Manheim may cause the same to be done and collect the costs thereof together with a penalty of 10% of such costs in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by bill of equity.

**8. Billing, Payment and Collection Procedures.**

- (i) The billing party for a residential unit, a rental unit, a commercial establishment, and a commercial customer, within West Manheim Township, shall be required to pay to the Township Collector a monthly, quarterly, or semi-annual fee for the collection, transportation, and disposal of municipal waste. This fee shall be paid regardless of the amount or type of waste and/or recyclables put out for collection. The monthly, quarterly, or semi-annual fee charged by the Township Collector shall be established by a contract to be entered into between West Manheim Township and the Township Collector pursuant to public bidding requirements. The Township accepts no responsibility whatsoever for the collection of the fee to be charged to the respective customer. The Township Collector shall be solely responsible for the collection of the monthly, quarterly, or semi-annual fee.
- (ii) All fees which remain unpaid thirty (30) days after the invoice date shall be deemed delinquent. The delinquent account shall have added to it a penalty of \$10.00. Thereafter, the \$10.00 fee shall be penalized once during each quarter the bill remains unpaid.
- (iii) If the billing party shall fail to pay any charges or fees after the same becomes delinquent, the Township Collector is authorized to file a civil lawsuit for the collection of fees, charges, penalties, interest, and costs of collection, including reasonable attorneys' fees. Upon filing of the civil lawsuit, an additional penalty of \$50.00 shall be added to the delinquent accounts.

ENACTED AND ORDAINED by the West Manheim Township Board of Supervisors  
this 2<sup>nd</sup> day of December, 2010.

ATTEST

WEST MANHEIM TOWNSHIP  
BOARD OF SUPERVISORS

Nancy C. Smith  
Secretary

Richard D. ...  
Chairman

...  
Vice-Chairman

...  
Member

Carl L. Helbert  
Member

Franklin A. Williams  
Member