

**DOVER TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2017- 02

**AN ORDINANCE REPEALING AND REPLACING THE DOVER TOWNSHIP
CODE OF ORDINANCES, CHAPTER 20, "SOLID WASTE," PART I, "MUNICIPAL
COLLECTION AND DISPOSAL OF MUNICIPAL WASTE"**

WHEREAS, The Second Class Township Code, 53 P.S. §65101 et seq., Article XXI, "Solid Waste Collection and Disposal," authorizes the Board of Supervisors to collect and remove by contract ashes, garbage, solid waste and other refuse materials and recyclables; and,

WHEREAS, The Board of Supervisors of Dover Township finds it to be in the best interests of the residents of Dover Township to repeal and replace the Code of Ordinances of Dover Township, Chapter 20, "Solid Waste," Part I, "Municipal Collection and Disposal of Municipal Waste."

NOW, THEREFORE, BE IT ENACTED, and it is hereby enacted and ordained by the Board of Supervisors of Dover Township, York County, Pennsylvania as follows:

SECTION 1. The Code of Ordinances of Dover Township, Chapter 20, "Solid Waste," Part I, "Municipal Collection and Disposal of Municipal Waste" is hereby repealed and replaced as follows:

**Part I
Municipal Collection and Disposal of Municipal Waste**

§20-101. Short Title.

This Part shall be known as the "Dover Township Municipal Collection and Disposal of Municipal Waste Ordinance."

§20-102. Definitions.

The following words, terms and phrases shall have ascribed to them the meanings herein set forth, unless the use of such word, term or phrase in context clearly indicates a different meaning:

CONTRACTOR - The person with whom the Township has contracted to collect, remove and dispose of garbage, ashes and refuse and recyclable material under the provisions of this article, and the persons employed by the Contractor for that purpose.

DWELLING - A building or structure used for residential purposes, except hotels, motels and apartment buildings.

DWELLING UNIT – any room or group of rooms in a dwelling, which room or rooms have fixed cooking facilities arranged for occupancy by one person, two or more persons living together, or one family having a separate address.

MUNICIPAL WASTE – Any ashes, garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, 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 the Solid Waste management Act 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.

PERSON - Every natural person, firm, partnership, association, corporation or other legal entity.

TOWNSHIP - The Township of Dover, York County, Pennsylvania, or its authorized representatives.

§20-103. Supervision Over Collection; Authority of Township.

The supervision of the collection, removal and disposal of municipal waste shall belong to the Township, and the Township is hereby vested with full authority to make all necessary rules and regulations not contrary to law and in conformity with this Part that it shall, from time to time, deem advisable to accomplish the ends and purposes of this Part.

§20-104. Award of Contract to Contractor.

1. It shall be unlawful for any person, other than such as are duly authorized by the Township, to collect and dispose of municipal waste from a dwelling unit within or from the Township, except for the exemptions listed herein.
2. The Township shall award a contract to one person as the Contractor for a period of not more than five (5) years, who, during the length of the contract, shall have the exclusive right and obligation to collect and dispose of all municipal waste from dwelling units within the Township.

§20-105. Exemptions.

The following are exempted from the requirement to use the duly authorized Contractor to collect and dispose of municipal waste from a dwelling unit:

1. A resident who owns a business within the Township and has a contract with a licensed hauler for the collection of commercial municipal waste, may apply for a waiver from residential municipal waste collection. A copy of a current contract between the resident and the licensed commercial hauler must be on file with the Township before a waiver is granted. Any resident electing this exemption shall still be subject to mandatory recycling.
2. The owner or occupant of a dwelling unit may elect to dispose of his or her own

residential municipal waste directly to a disposal facility approved or operated by the York County Solid Waste Authority. If the owner or occupant of a dwelling unit elects this option, then the owner or occupant shall sign a waiver on a form supplied by the Township. Any resident electing this exemption shall still be subject to mandatory recycling.

§20-106. Responsibility of Owners or Occupants of a Dwelling Unit.

1. Any owner or occupant of a dwelling unit who permits any person except the owner or occupant or the Contractor to collect or remove any municipal waste from the dwelling unit shall be guilty of a violation of this Part.
2. It shall be unlawful for any person to burn, bury, dump or otherwise dispose of municipal waste except as authorized under this Part.
3. If a person collects and removes his or her own municipal waste, then they shall do so at intervals short enough to prevent accumulation of municipal waste that may be unsafe, unsightly, or potentially harmful to the public health and welfare.

§20-107. Containers.

1. Owners or occupants shall use a container as supplied by the Contractor based on the level of service selected.
2. A container shall not be placed curbside or next to the cartway earlier than 5 p.m. the evening preceding a scheduled collection day. Empty containers shall be removed from the curbside or the cartway by 8:00 a.m. the day following a scheduled collection day.

§20-108. Quantity.

1. The Contractor shall collect containers of the authorized size on each collection day as required in any contract with the Township.
2. Where the Contractor has not made a collection because of the failure of a resident of a dwelling unit to comply with this Part, the Contractor shall notify the Township in writing.

§20-109. Collection Routes.

The Contractor shall collect municipal waste on both sides of all public streets and highways in the Township which are maintained and adopted by either the Township or the Commonwealth of Pennsylvania and on all private roads as directed by the Township. Collection shall be made from the front curb line, or where there is no curb, immediately next to the cartway of the public street or road.

§20-110. Collection Schedules.

The Contractor shall collect municipal waste in accordance with the terms of the contract between Contractor and the Township. The Contractor shall commence the collection of municipal waste between the hours of 7 a.m., prevailing time, and shall complete collection no later than 6 p.m., prevailing time, unless modified by the Board of

Supervisors. Collection of municipal waste may begin at 6:00 a.m., prevailing time, for collection points on state roads within the Dover Township service area. No collections shall be scheduled for any Sunday. If the regular collection day shall fall on any of the following holidays the contractor shall make the collection on the next regular working day after the holiday. The holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Contractor shall provide to the Township a local number that residents may use to contact contractor until 6 p.m. prevailing time.

§20-111. Collection Equipment.

Vehicles used in making the collections shall have completely enclosed, watertight metal compaction bodies and shall be able to traverse all public or private roads and streets as directed by the Township. All such equipment shall be approved by the Pennsylvania Department of Environmental Protection, or equivalent State agency having jurisdiction over municipal or solid waste.

§20-112. Method of Collection.

Municipal waste containers shall be picked up at the designated collection points and deposited into the collection vehicles. No municipal waste may be spilled on the roads and streets of the Township and the Contractor must make every effort to prevent scattering by the wind of municipal waste, particularly paper and other light materials.

§20-113. Recyclable Materials.

The Contractor shall collect and dispose of recyclable materials in accordance with Part 2 of this Article. The Contractor shall collect an unlimited amount of recyclable materials from each dwelling unit on the scheduled collection day.

§20-114. Billing and Payment Procedures.

Every owner of a dwelling unit shall pay a quarterly fee (or such other time period as may be authorized by the Township) to the Contractor for the municipal service of providing for the collection, transportation and disposal of municipal waste and recyclables unless exempted under §20-105. The Township hereby authorizes the contractor to act as agent for the Township and to bill for and collect the fee from the owner or occupant of the dwelling unit. The fee charged shall be established by resolution of the Board of Supervisors of Dover Township. Any quarterly fee remaining unpaid 30 days after the due date shall, at the option of the Township or the Contractor, be filed as a municipal lien in accordance with the provisions of the Municipal Claims and Tax Lien Act, 53 P.S. §7501 *et seq.*, as amended [the "Act"], or collected under usual means of civil action or as otherwise provided by law, including the collection of costs and reasonable attorney's fees as authorized by the Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended. In addition to the collection of costs and reasonable attorney's fees for the filing of a civil action, the Township or Contractor also shall be entitled to recover as part of its costs an administrative fee of \$50, and shall be entitled to interest on the outstanding balance at the legal rate of interest. Any bill which remains unpaid after which notice has been given pursuant to the Act, and which shall be entered as a lien pursuant to the Act, shall include all penalties, simple interest at the rate of 10 percent per annum, costs of filing, an administrative fee of \$50, and attorney's fees for legal services rendered in

connection with the filing, enforcement and removal of the lien in accordance with an hourly rate equal to the Township Solicitor's regular rate for litigation charges to the Township.

§20-115. Ownership of Municipal Waste

All municipal waste and recyclables placed at curbside for collection shall be the property of the Township until collected by the Contractor. The Contractor shall become the owner of the municipal waste and recyclables when collected from each collection point.

§20-116. Disposal of Municipal Waste.

The Contractor shall dispose of municipal waste only at a disposal facility approved or operated by the York County Solid Waste Authority for the type of waste to be disposed.

§20-117. Other Municipal Waste.

The owners or occupants of premises that do not constitute a dwelling or dwelling unit as defined in this Part shall enter into a contract with a person authorized or licensed by the Commonwealth of Pennsylvania to collect, transport and dispose of municipal waste and recyclables, which contract shall provide for the collection and transportation of municipal waste from the premises and which contract shall provide for the disposal of the municipal waste at a disposal facility approved by the York County Solid Waste Authority.

§ 20-118. Licensing of Collectors.

The licensing of any contractor collecting, transporting or disposing of municipal waste within the Township shall comply with the licensing provisions as set forth in Act 90 of 2002, Chapter 62, Waste Transportation Safety Act, 27 Pa. C.S.A. §6201 et seq., as amended.

§ 20-119. Observance of Laws and Ordinances.

The Contractor shall comply with all statutes and laws of the Commonwealth of Pennsylvania and all ordinances of Dover Township in any manner relating to the collection, transportation, disposal, billing and collection of municipal waste.

§ 20-120. Penalties.

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

§ 20-121. Conflict of Ordinances; Effect on Partial Invalidity.

1. In any case where a provision of this Part is found to conflict with a provision of any zoning, building, fire, safety or health ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the residents of Dover Township shall prevail. In any case where a provision of this Part is found to be in conflict with the provisions of any ordinance or code in Dover Township existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health and safety of the residents of Dover Township, the provisions of this Part shall be deemed to prevail, and such other ordinances and codes are hereby declared to be repealed to the extent that they may be found in conflict with this Part.

2. If any section, subsection, paragraph, sentence, clause or phrase of this Part shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part which shall remain in full force and effect and, to this end, the provisions of this Part are hereby declared to be severable.

SECTION 2. This ordinance shall take effect five (5) days after adoption.

ENACTED and ORDAINED this ____ day of _____, 2017.

ATTEST:

BOARD OF SUPERVISORS OF
DOVER TOWNSHIP

Tiffany Strine, Secretary

By: _____
Stephen Stefanowicz, Chairperson