

**BOROUGH OF CONSHOHOCKEN**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH'S CODE OF ORDINANCES BY MAKING CERTAIN AMENDMENTS TO CHAPTER 20 *SOLID WASTE*, TO REFLECT THE BOROUGH'S CURRENT COLLECTION PRACTICES FOR SOLID WASTE AND RECYCLING; REPEALING ALL PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Borough Council of the Borough of Conshohocken is empowered by the Borough Code, 8 Pa.C.S. § 101, *et seq.*, and as set forth in the Solid Waste Management Act 35 P.S. § 6018.101, *et seq.*, and the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.101, *et seq.*, to enact ordinances relating to the recycling, transportation, storage, and collection of solid and/or recyclable materials;

**WHEREAS**, Chapter 20 *Solid Waste* of the Code of Ordinances of the Borough of Conshohocken contains the Borough's current rules and regulations regarding solid waste and recycling collection within the Borough; and

**WHEREAS**, Borough Council has identified certain amendments to Chapter 20 to reflect the Borough's current collection practices for solid waste and recycling, and believes it to be in the best interest of the Borough to make the amendments set forth herein.

**NW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Conshohocken as follows:

**SECTION 1.**

Chapter 20 *Solid Waste*, Part 1 *GARBAGE COLLECTION AND DISPOSAL*, section 20-104 *Garbage and Rubbish to be Collected Once or Twice a Week*, is hereby amended by repealing the current provision in its entirety and replacing it with the following:

Garbage and rubbish shall be collected from residences once or twice a week, as Borough Council may determine when the Borough is the collector, or shall be provided in the contract with any contractor collector. Garbage and rubbish shall be collected from premises between the hours of 6:00 a.m. and 6:00 p.m.

## SECTION 2.

Chapter 20 *Solid Waste*, Part 1 *GARBAGE COLLECTION AND DISPOSAL*, section 20-105 *Authorized Containers; Accumulation and Storage of Refuse*, is hereby amended by repealing the current provisions in their entirety and replacing them with the following:

1. No garbage or rubbish shall be accumulated or stored upon any premises prior to placement for collection except in the containers provided by the Borough for the collection of solid waste. No container shall weigh more than 50 pounds when full. The number of containers placed curbside for collection shall not exceed the maximum number of containers assigned by the Borough.
2. Cleanout items shall be placed curbside for collection only after the owner or occupant has contacted the Borough and enters into an agreement whereby the Borough will remove the items and assess a charge based on the weight of the items and the tipping fees charged by the waste disposal facility. Cleanout items placed curbside contrary to the rules and regulations outlined in this Section shall be the responsibility of the owner and are subject to the penalties described in § **20-109**.

## SECTION 3.

Chapter 20 *Solid Waste*, Part 1 *GARBAGE COLLECTION AND DISPOSAL*, section 20-106 *Refuse to be Collected From Curb*, is hereby amended by repealing the current provision in its entirety and replacing it with the following:

Refuse receptacles shall be placed for collection at sidewalk level immediately adjacent to the curb. Except by express permission of the Borough, no refuse may be placed for collection at any other location. Refuse receptacles shall not be placed at the curb prior to 5:00 p.m. of the day before the collection day. The empty containers shall be removed from curbside and returned to the premises no later than 7:00 p.m. the day of collection. No person shall place garbage or rubbish in any receptacle that has been placed for collection by another person, except with the express permission of the owner of the receptacle.

#### **SECTION 4.**

Chapter 20 *Solid Waste*, Part 1 *GARBAGE COLLECTION AND DISPOSAL*, section 20-107 *Right of Collector to Refuse to Collect Garbage, Rubbish or Construction Materials*, is hereby amended by repealing the current provision in its entirety and replacing it with the following:

The collector shall have the right to refuse to collect any garbage or rubbish which is maintained, stored or placed for collection in violation of the provisions of this Part. It is the intent of this Part that the reasonable accumulation of refuse of each family for the collection period shall be collected. Refuse in containers and/or plastic bags not conforming to the above descriptions (e.g. not in the Borough-provided containers as required) will be left at the curb, "red tagged" and not collected.

#### **SECTION 5.**

Chapter 20 *Solid Waste*, Part 1 *GARBAGE COLLECTION AND DISPOSAL*, section 20-108 *Refuse Collection Suspended on Certain Days*, is hereby amended by repealing the current provision in its entirety and replacing it with the following:

Refuse shall be collected according to schedules established by the Borough. Refuse collection shall be suspended on legal holidays according to schedules established by the Borough. During weather emergencies refuse collection may be suspended until such time as refuse collection can resume. During periods when collection has been suspended no person shall place refuse curbside for pickup until the next scheduled collection day, weather permitting. In the event conditions are such that a scheduled collection does not occur due to a weather emergency, trash placed curbside for collection shall be returned to the property for proper storage until next regularly scheduled collection day.

## **SECTION 6.**

Chapter 20 *Solid Waste*, Part 2 *RECYCLING*, section 20-202 *Definitions*, is hereby amended by adding the following new definitions:

### **ELECTRONIC WASTE**

A computer central processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones, and such other materials as shall be designated "Electronic Waste" by the Borough.

### **TRADE RECYCLABLES**

All recyclable materials generated by a manufacturing, commercial, business, institutional or industrial source.

## **SECTION 6.**

Chapter 20 *Solid Waste*, Part 2 *RECYCLING*, section 20-203 *Establishment of Program*, is hereby amended by repealing the current provision in its entirety and replacing it with the following:

Conshohocken Borough does hereby establish a recycling program for the collection of recyclable materials and the separation, collection and composting of all leaf waste from all residences located within the Borough for which waste collection is provided by the Borough or any other collector. Collection of recyclable material for residences shall be made at least once a month by the Borough, its agent or any other solid waste collectors operating in the Borough authorized to collect recyclable materials. Frequency of collection with respect to properties for which the Borough or its contracted collector provides recycling services may occur more frequently than one time per month, as shall be determined and directed by the Borough from time-to-time. Collection of recyclable materials for all other uses, including trade recyclables, shall occur pursuant to agreement between the owner or occupant and a contractor collector. The recycling program shall also include a sustained public information and education system.

## **SECTION 7.**

Chapter 20 *Solid Waste*, Part 2 *RECYCLING*, section 20-204 *Separation and Collection*, is hereby amended by repealing the current provisions in their entirety and replacing them with the following:

1. Each person or entity who or which generates municipal waste in the Borough shall be responsible for complying with the requirements of this Part 2 for the separation of recyclable materials as required by Act 101 and Act 140 as implemented by the Borough. This shall include tenants and lessees occupying leased properties.
2. All persons residing in the Borough of Conshohocken shall separate all of those recyclable materials designated by the Borough from all other municipal waste produced at their homes, apartments, or other residential establishments, store such materials for collection, and place the same for collection in accordance with the guidelines as established hereunder. Materials to be recycled are selected by the Borough from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, office paper, newspaper, corrugated paper, magazines and periodicals, plastic, leaf waste and any other materials designated by the Borough for recycling.
  - A. Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in roll-out containers provided by the Borough for collection. Any container provided to the residences for the collection of recyclables shall be the property of the Borough and shall be used only for the collection of recyclable material. Recycling containers are to be left at the property when a resident moves. Replacement and/or additional containers shall only be obtained from the Borough, subject to any fees as shall be established by the Borough from time-to-time.
  - B. An owner, landlord, or agent of a landlord of a multifamily rental housing unit may comply with his/her recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. If recyclable materials are collected by a collector other than the Borough or its authorized agent, owners, landlords and agents of owners shall

submit an annual report to the Borough and/or its designee reporting the tonnage of materials recycled during the previous year. The Borough shall have the right to perform, itself or through a third-party, audits of recyclable materials generated by these residential properties.

3. All persons must separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments for collection, unless those persons have otherwise provided for composting of leaf waste.
4. Nonresidential establishments, *e.g.* institutional, commercial, business or industrial establishments, shall be required to meet the following requirements:
  - A. Persons must separate clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newspaper, corrugated paper, magazines and periodicals, plastic, leaf waste and any other materials designated by the Borough for recycling generated at nonresidential, *e.g.* commercial, municipal and institutional, establishments and from community activities and store the recyclables until collection, and shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year. An individual may be exempted from this subsection based on a preapproved alternate recycling procedure. Such procedure must be approved by the Borough before an individual is exempted from this subsection. An individual shall submit written documentation to the Borough indicating that a procedure is being followed which ensures that recyclable materials are being recycled in an appropriate manner. After approval by the Borough and an individual is exempted from this subsection, said individual must annually submit documentation that the alternate procedure is being followed and the recyclable materials are being recycled in the appropriate manner.
  - B. A recyclable collection system shall be established for each non-residential property or unit. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the tenants, as applicable, concerning the use and

availability of the collection system, owners, landlords and agents of owners shall submit an annual report to the Borough and/or its designee reporting the tonnage of materials recycled during the previous year. The Borough shall have the right to perform, itself or through a third-party, audits of recyclable materials generated by non-residential properties.

5. Electronic waste. Electronic waste shall be separated from other refuse at all properties in the Borough, whether residential or non-residential.
  - A. Electronic waste for those properties for which the Borough or its contracted collector provides recycling collection service shall be disposed of in the Borough in the manner directed by resolution of the Borough and at such locations as shall be designated by the Borough. A fee for electronic waste disposal may be established by the Borough.
  - B. All other properties (*i.e.* all properties for which the Borough or its contracted collector does not provide recycling collection service) shall establish a collection system for separation and collection of electronic waste.

## **SECTION 8.**

Chapter 20 *Solid Waste*, Part 2 *RECYCLING*, section 20-208 *Recycling of Materials*, is hereby amended by repealing the current provision in its entirety and replacing it with the following:

Disposal by persons, including by collectors or operators of recycling facilities, of recyclable materials with refuse, whether from residential or non-residential properties, is prohibited and shall be a violation of this Part 2. Collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Borough Council in writing.

## **SECTION 9.**

Chapter 20 *Solid Waste*, Part 2 *RECYCLING*, section 20-211 *Enforcement; Violations and Penalties*, is hereby amended by repealing the current provisions in their entirety and replacing them with the following:

1. The Borough Council is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Part 2 as deemed necessary, including but not limited to:
  - A. Establishing recyclable materials to be separated for collection and recycling by residences and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
  - B. Establishing collection procedures for recyclable materials.
  - C. Establishing reporting procedures for amounts of material recycled.
  - D. Establishing procedures for the distribution, monitoring, auditing, and collection of recyclable containers.
  - E. Establishing the procedures and rules for the collection of leaf waste and electronic waste.
  - F. Appointing a Recycling Coordinator(s) who shall be responsible for implementation of this Part 2.
2. Any person, firm or corporation, whether recyclables are generated from a residential or non-residential property, who shall violate the provisions of this Part 2 shall receive an official written warning of noncompliance for the first offense. Thereafter, all violations shall be subject to the penalties hereinafter provided. For example, failure to use the Borough-provided totes for the collection of recyclables (where required) shall result in a written warning for the first offense, and, thereafter, penalties.
3. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus court costs and, in default of payment of same, be sentenced to a term of imprisonment not to exceed 90 days. Each day that a violation continues shall constitute a separate offense. In addition, the Borough, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part 2. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief. Fines and penalties shall automatically be adjusted as required to comply with any limits established by state statute.

**SECTION 10.        REPEALER.**

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

**SECTION 11.        SEVERABILITY CLAUSE.**

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.

**SECTION 12.        EFFECTIVE DATE.**

This ordinance shall become effective at the earliest time permitted by Pennsylvania Law.

**ORDAINED** and **ENACTED** an ordinance of the Borough of Conshohocken this  
\_\_\_\_ day of \_\_\_\_\_, 2022.

**BOROUGH OF CONSHOHOCKEN:**

\_\_\_\_\_  
COLLEEN LEONARD, COUNCIL PRESIDENT

ATTEST:

\_\_\_\_\_  
STEPHANIE CECCO,  
BOROUGH SECRETARY

Approved this \_\_\_\_\_ day of \_\_\_\_\_,  
2022

\_\_\_\_\_  
YANIV ARONSON, MAYOR