

ORDINANCE NO. 2015 - 1

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA RELATING TO SANITATION AND THE PROMOTION OF PUBLIC HEALTH AND SAFETY; REQUIRING THAT ALL ASHES, GARBAGE, SOLID WASTE AND OTHER REFUGE MATERIALS AND RECYCLABLES BE DISPOSED OF IN ACCORDANCE WITH THIS ORDINANCE; AND PROVIDING FOR THE COLLECTION RATES AND CHARGES; AND PRESCRIBING PENALTIES FOR THE ENFORCEMENT THEREOF.

WHEREAS, The Second Class Township Code in 53 P.S. § 67101 and the Municipal Waste Planning, Recycling and Waste Reduction Act in 53 P.S. § 4000.304 authorizes and empowers Townships of the Second Class such as Marion Township to prohibit the accumulation of ashes, garbage, solid waste and other refuse materials upon private property including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof, and provides for the Board of Supervisors to collect, remove and dispose of the same by contract or otherwise; and

WHEREAS, Marion Township intends to put out for bid a township wide solid waste and recyclables collection, removal and disposal system and will award the bid to the lowest responsible bidder, ("Successful Bidder"), and sign a contract ("Contract") in regard thereto, subject, however, to the right of the Township to reject any and all bids. The Contract shall include the collection, removal and disposal of municipal solid waste including all garbage, rubbish, ashes and other refuse ("MSW"), and for the collection and disposal of recyclable materials such as clear and colored glass, aluminum, steel, bi-metallic cans, plastic containers (numbers 1 to 6) and mixed paper ("Recyclables"), for certain residents, property owners and businesses in Marion Township, as set forth below, in accordance with the Contract; and

WHEREAS, Marion Township now desires to require the mandatory collection, removal and disposal of MSW and Recyclables for certain Township residents, property owners and businesses as set forth hereinafter.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Township of Marion, Berks County, Pennsylvania as follows:

SECTION 1. - MUNICIPAL SOLID WASTE COLLECTION

All MSW shall be accumulated by all residential dwelling units (including single family and multi-family dwellings), farm dwellings and commercial units within Marion Township and shall be made available for collection and disposal as required in the Contract and specifications; provided, however, multi-family dwellings, farm dwellings or commercial units utilizing a dumpster, and institutional and industrial establishments are not included in the mandatory MSW collection.

SECTION 2. - RECYCLABLE COLLECTION

All Recyclables shall be accumulated by all residential dwelling units (including single family and multi-family dwellings) and shall be made available for collection and disposal as required in the Contract and specifications; provided, however, multi-family dwellings with five or more units or utilizing a dumpster, building contractors, and commercial, institutional and industrial establishments are not included in the mandatory Recyclables collections.

SECTION 3. - SUCCESSFUL BIDDER DESIGNATED HAULER

No person or entity other than the Successful Bidder shall collect, haul and dispose of MSW and Recyclables within Marion Township during the term of the Contract, or until the Contract between Marion Township and the Successful Bidder expires or terminates.

SECTION 4. - AUTHORIZATION OF CONTRACT

The Contract for the collection, removal and disposal of MSW and Recyclables in shall be awarded to the Successful Bidder and the signing of a Contract with the Successful Bidder is authorized.

SECTION 5. - COLLECTION CHARGES

The charge to be paid by all property owners, residents and businesses for the collection and removal of MSW and Recyclables is set forth on the Contract and its specifications, and the billing and collection of said charges shall be the responsibility of Successful Bidder. All payments shall be sent by the property owner, resident or business directly to the Successful Bidder.

SECTION 6. - VIOLATIONS OF ORDINANCE

A violation of this Ordinance shall be subject to an action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and shall result in a fine of not less than One Hundred and 00/100 Dollars (\$100) nor more than One Thousand and 00/100 Dollars (\$1,000) per violation and may result in imprisonment to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or a portion thereof in which a violation is found to exist. In addition, Marion Township or the Successful Bidder may file a civil action or impose a municipal lien upon any property that fails to pay the required charge.

SECTION 7. - SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or 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 Board of Supervisors of Marion Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

SECTION 8. - REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 9. - EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the date of its enactment.

DULY ORDAINED AND ENACTED this 29th day of January, 2015, by the Board of Supervisors of the Township of Marion, Berks County, Pennsylvania in public session duly assembled.

BOARD OF SUPERVISORS,
TOWNSHIP OF MARION,
BERKS COUNTY, PENNSYLVANIA

Attest: Janis Zern (SEAL)
Janis Zern, Secretary

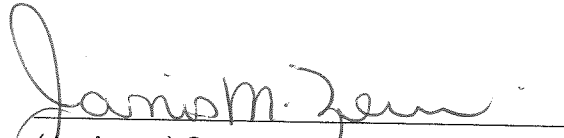
By: Roy A. Zartman
Roy Zartman, Chairman

By: Harold I. Manbeck
Harold I. Manbeck, Supervisor

By: Franklin Troutman
Franklin Troutman, Supervisor

MUNICIPAL CERTIFICATION

I, Janis M. Zern, (Assistant) Secretary of the TOWNSHIP MARION, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 2015-1 was advertised in the Reading Eagle, a daily newspaper of general circulation in Berks Township, on Wednesday, January 21, 2015, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on January 29, 2015.


(Assistant) Secretary

[SEAL]