

BOROUGH OF SOUDERTON
MONTGOMERY COUNTY
PENNSYLVANIA

ORDINANCE NO. 07- 675-11

AN ORDINANCE AMENDING THE SOUDERTON BOROUGH MUNICIPAL WASTE COLLECTION AND RECYCLING ORDINANCE NO. 07-66703, ADOPTED APRIL 2, 2007, BY REVISING SECTION 10 "REGULATIONS FOR HANDLING OF LEAF WASTE AND REVISING SECTION 11 "ENFORCEMENT AND PENALTIES"; REPEALING INCONSISTENT ORDINANCES.

The Borough Council of the Borough of Souderton hereby ENACTS and ORDAINS, as follows:

SECTION 1. AMENDMENT. Section 10 of the Souderton Borough Municipal Waste Collection and Recycling Ordinance No. 07-66703, adopted April 2, 2007, is hereby amended to read as follows:

10. **Handling of leaf waste.**

A. The Borough of Souderton hereby authorizes establishment of a program for curbside collection of leaf waste at least once during the spring and at least once during the fall of each year. In addition thereto, the leaf waste collection program shall be augmented by designation by the Borough of a DEP-permitted, drop-off compost facility for residents of the Borough to utilize as needed which facility must be open at least once per month for collection of leaf waste generated between scheduled collections.

B. Leaf waste collection shall be conducted by the Borough or authorized private municipal waste collectors in accordance with regulations of DEP. All leaf waste shall be disposed of in a DEP-permitted compost facility in accordance with all applicable state guidelines.

C. All private municipal waste collectors shall provide the Borough and NMCRC with the name and address of the facility(ies) where the leaf waste will be disposed and report the quantity in tons or cubic yards. Leaf waste shall not be commingled with all other municipal solid waste. The disposal of leaf waste at a sanitary landfill, waste-to-energy facility or any other facility which is not a DEP-permitted composting facility is strictly prohibited.

D. The methodology for separating and collecting leaf waste shall be established and implemented by the Borough and imposed upon participating private waste collectors. The leaf waste collection guidelines set forth in this Ordinance are intended to be general in nature. The actual leaf waste collection and education program shall be established in more detail by the Borough pursuant to resolution and is subject to modification, as needed from time to time, provided any modifications to the program comply with this Ordinance and the most recent regulations of DEP.

E. Leaf waste shall not be left at curbside more than 24 hours prior to collection and shall not be left in a form which obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

SECTION 2. AMENDMENT. Section 11 of the Souderton Borough Municipal Waste Collection and Recycling Ordinance No. 07-66703, adopted April 2, 2007, is hereby amended to read as follows:

11. Enforcement and penalties.

A. Any person or entity violating the provisions of this Ordinance pertaining to the separation of recyclable materials and leaf waste, collected within the boundaries of any municipality which is a member of the NMCRC, including co-mingling of recyclable materials and leaf waste with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested from the NMCRC Solicitor and/or from the Solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Ordinance pertaining to the separation of recyclable materials and leaf waste collected within the boundaries of any municipality which is a member of the NMCRC, shall be subject to a criminal fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or the municipality in which the alleged violation occurred before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

B. No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein with written notice for the first offense and also provide the NMCRC and the member municipality with the same written notice. Any municipal waste collector who shall

knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials and leaf waste from a person or entity who or which has previously been notified by the NMCRC, municipality and/or a municipal waste collector of noncompliance shall receive an official warning from the member municipality and/or NMCRC for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violation shall be by action commenced by the NMCRC and/or the municipality in which the alleged violation occurred before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

C. Any person or entity that shall violate any provision of this Ordinance not covered in Subsection A or B above shall receive an official written warning sent certified mail, return receipt requested from the NMCRC solicitor and/or from the solicitor for the municipality in which the alleged violation occurred for the first offense. Thereafter, within two (2) years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Ordinance not otherwise covered in Sections A or B shall, upon conviction, be subject to a criminal fine of not less than Five Hundred Dollars (\$500.00) per violation, plus damages, court costs and reasonable attorney's fees and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the NMCRC and/or appropriate member municipality before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this Ordinance continues shall constitute a separate offense punishable by a like fine or penalty.

D. The NMCRC is authorized to establish, through its rules and regulations, procedures through which violations of this Ordinance and of the NMCRC's rules and regulations themselves may be determined and administrative sanctions therefor, including but not limited to imposition of monetary penalties.

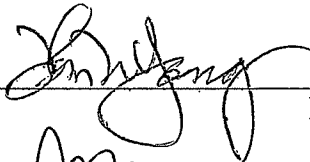
E. Nothing in this section shall be construed to limit the NMCRC's remedies which shall include but not be limited to the filing of actions at law or in equity seeking damages and/or injunctive relief.


SECTION 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED and ENACTED this 3rd day of December, 2007, by the Borough Council of the Borough of Souderton.

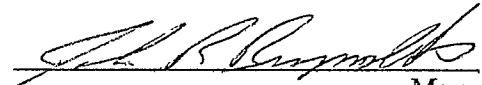
BOROUGH OF SOUDERTON

{BOROUGH SEAL}

By:  _____
President

Attest:  _____
Secretary

APPROVED this 3rd day of December, 2007.

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Mayor