

BOROUGH OF CONSHOHOCKEN

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ 2019

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF CONSHOHOCKEN, CHAPTER 20 *SOLID WASTE*; REMOVING THE COLLECTION OF WASTE AND RECYCLABLES FROM MANUFACTURING, COMMERCIAL, BUSINESS, INSTITUTIONAL AND INDUSTRIAL SOURCES FROM THOSE MATERIALS TO BE COLLECTED BY THE BOROUGH; REMOVING GRASS CLIPPINGS FROM THOSE MATERIALS TO BE COLLECTED BY THE BOROUGH; REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Borough of Conshohocken has adopted regulations for the collection of solid waste and recyclables in the Borough of Conshohocken at Chapter 20 *Solid Waste* of the Code of Ordinances of the Borough of Conshohocken;

WHEREAS, the current regulations provide for collection of waste and recycling from manufacturing, commercial, business, institutional and industrial sources by the Borough;

WHEREAS, the current regulations provide for collection of grass clippings by the Borough;

WHEREAS, the Public Works Division of the Borough's Department of Public Services is responsible for the collection of trash, recycling, and yard waste in the Borough;

WHEREAS, due to increased costs and decreased opportunities for ultimate disposal, the Public Works Division has recommended to Borough Council that collection of waste and recycling from manufacturing, commercial, business, institutional and industrial sources, and of grass clippings, should be removed from those materials to be collected by the Borough; and

WHEREAS, Borough Council believes it to be in the best interest of the Borough to amend the Borough's solid waste and recycling regulations per the recommendation of the Public Works Division.

NOW THEREFORE, be it **ORDAINED** and it is hereby **ORDAINED** by the Council of the Borough of Conshohocken as follows:

SECTION 1.

The Code of Ordinances of the Borough of Conshohocken, Chapter 20 *Solid Waste* is hereby amended by repealing section 20-103 *Collection and Disposal of Trade Waste Subject to Agreement* in its entirety, and replacing it with the following:

§ 20-103 Collection and Disposal of Trade Waste by Contracted Collector

All trade waste shall be collected and disposed of by a contractor collector under agreement with the owner or occupant, with the cost thereof to be paid by the owner or occupant. No trade waste shall be set out for collection unless and until the owner or occupant of the premises where the trade waste originates or is produced has entered into an agreement with a private contractor for collection and disposal of said waste.

SECTION 2.

The Code of Ordinances of the Borough of Conshohocken, Chapter 20 *Solid Waste* is hereby amended by repealing the definition of “leaf waste” from section 20-202 *Definitions* and replacing it with the following definition:

LEAF WASTE

Leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings. Grass clippings shall not be consider “leaf waste” and will not be collected by the Borough.

SECTION 3.

The Code of Ordinances of the Borough of Conshohocken, Chapter 20 *Solid Waste* is hereby amended by repealing Section 20-203 *Establishment of Program* 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 and all commercial, municipal and institutional establishments 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. Collection of recyclable materials for all other uses 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 4.

The Code of Ordinances of the Borough of Conshohocken, Chapter 20 *Solid Waste* is hereby amended by repealing subsection 4 of Section 20-204 *Separation and Collection* in its entirety and replacing it with the following:

4. 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 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.

SECTION 4.

The Code of Ordinances of the Borough of Conshohocken, Chapter 20 *Solid Waste* is hereby amended by repealing Section 20-206 *Collection by Unauthorized Persons* in its entirety and replacing it with the following:

It shall be a violation of this Part 2 for any person, firm or corporation, other than the Borough, one authorized by the Borough Council, a collector contractor pursuant to agreement for nonresidential sources, or other entity responsible for providing collection of recyclable materials, to collect recyclables placed by residents or commercial, municipal or institutional establishments for collection, unless such person, firm or corporation has prior written permission from the generator for the collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal or institutional establishments on one calendar day shall constitute a separate and distinct offense as hereinafter provided.

SECTION 5. 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 6. SAVINGS 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 7. EFFECTIVE DATE

This Ordinance shall become effective immediately.

ORDAINED and ENACTED an ordinance of the Borough of Conshohocken this _____ day of _____, 2019.

BOROUGH OF CONSHOHOCKEN

COLLEEN LEONARD, COUNCIL PRESIDENT

ATTEST:

SECRETARY

Approved this _____ day of _____, 2019

YANIV ARONSON, MAYOR