

ORDINANCE NO. 19 - 2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING CERTAIN PROVISIONS OF CHAPTER 148 SOLID WASTE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania as follows:

SECTION 1. The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the "Second Class Township Code, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the Hanover Township Codified Ordinance, as amended.

SECTION 2. **Chapter 148, SOLID WASTE, Article 1. Recycling Program,** **Section 148 Definitions** of the Code of Ordinances is hereby amended by adding the following definition for "Contaminated Yard Waste":

"Contaminated Yard Waste includes sod, tree stumps, compressed wood, grass, bamboo, ornamental grass and items customarily considered Residential Waste & Recycling which is collected by a Third Party Hauler."

SECTION 3. **Chapter 148 SOLID WASTE, Article 1 Recycling Program;** Section 148-14 Adoption and Revision of Recycling regulations: Recycling Coordinator is hereby amended in its entirety to read as follows:

"§148-14 . Adoption and Revision of Recycling Regulations; Recycling Coordinator.

- A. The Board of Supervisors of Hanover Township is hereby authorized to issue and from time to time revise regulations which set forth specific requirements for the Recycling Program. These rules and regulations shall be formally known as the "Recycling

Regulations” and shall be adopted by resolution of the Board of Supervisors of Hanover Township.

- B. In addition, the Board of Supervisors of Hanover Township shall appoint a Recycling Coordinator who is authorized to coordinate the Recycling Program. The Recycling Coordinator may also, from time to time, issue and revise the Recycling Regulations which set forth specific requirements for the curbside collection of leaves and use of the City of Bethlehem composting site or yard waste. These specific requirements must be adopted by resolution of the Board of Supervisors of Hanover Township before they become part of the Recycling Regulations. The Recycling Coordinator shall also receive the reports of Hanover Township showing the quantity of materials recycled as required by this Chapter and the Recycling Regulations.”

SECTION 4. Chapter 148 SOLID WASTE, Article 1 Recycling Program;

Section 148-17 Unlawful Activities is hereby amended in its entirety to read as follows:

“§148-17. Unlawful activities.

It shall be unlawful for any person to violate or to cause or to assist in the violation of any provision of this Chapter or any provision of the Recycling Regulations. No person shall scavenge, remove, take, scatter or disturb recyclable materials which have been placed by persons at the curbside for their collection by authorized collectors pursuant to the curbside collection program or deposited at a drop-off center.”

SECTION 5. Chapter 148 SOLID WASTE, Article 1 Recycling Program; Section

148-18 Violations and Penalties is hereby amended in its entirety as follows:

“§148-18. Violations and penalties.

- A. The Township Recycling Coordinator will receive complaints regarding violations of this Chapter. Any person violating a provision of this Chapter or a Recycling Regulation pursuant thereto shall be given a written notice thereof from the Code Enforcement Officer, upon recommendation by the Township Recycling Coordinator or Township Manager (the “Notice”). The Notice shall give the person a period of thirty (30) days to comply with the provisions of this Chapter or the Recycling Regulations. If, after receipt of the Notice, the person continues to violate the provisions of this Chapter or the Recycling Regulations, the person shall be prosecuted as provided below.

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B. Any person violating any of the provisions of this Chapter shall be prosecuted in the manner provided by law before a District Magistrate and, upon conviction of such violation, shall be subject to a fine not in excess of the sum of \$300, together with the cost of prosecution. Each day on which such violation or violations occur and each day on which such violation or violations continue to occur shall be considered as a separate offense for each and every day of such violation or violations. Upon failure of the person so convicted to pay the fines so imposed, confinement shall be ordered in the Northampton County Prison for a period of not less than three (3) days and not in excess of thirty (30) days. All portions of the fines to the Township for violation of the Hanover Township Recycling Ordinance and/or Recycling Regulations applicable shall be paid to the Township of Hanover and shall be earmarked to be spent on the administrative costs of the Hanover Township Solid Waste Management Program and the Hanover Township Recycling Program.

C. Any person specifically violating the provisions of this Chapter involving the collection of yard waste by including Contaminated Yard Waste in the curbside collection shall be subject to the following:

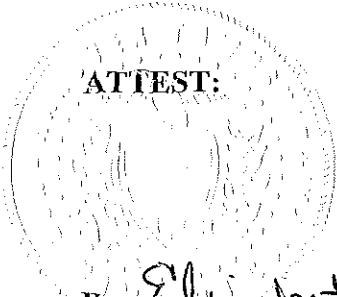
- (1) 1st Offense – warning.
- (2) 2nd Offense - \$50.00 fine.
- (3) 3rd Offense and subsequent offense(s) – \$100.00 fine.”

SECTION 6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7. The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

SECTION 8. This Ordinance shall become effective five days after enactment.

ENACTED AND ORDAINED at a regular meeting of the Board of Supervisors of the Township of Hanover, County of Northampton on this 14th day of May, 2019.



By: Elizabeth D. Ritter
Elizabeth D. Ritter, Secretary

**BOARD OF SUPERVISORS,
HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
PENNSYLVANIA**

By: John N. Diacogiannis
JOHN N. DIACOGIANNIS, Chairman