

ORDINANCE NO. 200

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 190 AND PROVIDING FOR THE DISPOSAL OF "YARD RESIDUALS"; DESIGNATING A COLLECTION FACILITY; ESTABLISHING REGULATIONS FOR THE USE THEREOF; AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Section 304(a) of the Municipal Waste Planning, Recycling & Waste Reduction Act, Act 101 of July 28, 1988, P.L. No. 528 ("Act 101") provides that it is the duty of the Township of South Heidelberg to assure the proper and adequate collection and transportation of municipal waste generated within its boundaries; and

WHEREAS, the Board of Supervisors of the Township of South Heidelberg believes it is necessary and appropriate to enact a Yard Residuals Collection Facility Ordinance establishing a Collection Facility for Yard Residuals.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED as follows:

SECTION 1. Title and Purpose. The short title of this Ordinance shall be "The Yard Residuals Collection Facility Ordinance", and the same may be cited in that manner. The purpose of this Ordinance is for the Township of South Heidelberg to provide collection facilities to the residents of the Township for Yard Residuals and regulate the use of such facilities.

SECTION 2. Definitions. Unless the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

"Act 101" - The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, as now or hereafter amended.

"Collection Facility" - Township designated facility for the collection of Yard Residuals.

"Commercial Landscapers" - An individual, company or entity skilled in the development and decorative planting of gardens and grounds.

"Lawn Mowing Company" - An individual, company or entity in the business of mowing grass on lawns.

"Township" - The Township of South Heidelberg, Berks County, Commonwealth of Pennsylvania.

“Yard Residuals” - shall consist solely of leaves, grass clippings and woody materials such as tree limbs, shrubs, slashings and brush.

SECTION 3. Designation of Collection Facility. The Township hereby designates certain land leased to the Township by the Commonwealth of Pennsylvania, being approximately one (1) acre in size, situate at the Wernersville State Hospital, as depicted on Exhibit “A” attached hereto and made a part hereof, designated by signage, to provide for the collection of Yard Residuals.

SECTION 4. Regulations. Use of the Collection Facility shall be governed by the following regulations:

(a) All Yard Residuals shall be deposited in a manner consistent with the regulations posted at the Collection Facility.

(b) Yard residuals hauled to the site in plastic bags must be emptied into the dumpsters, if any, or emptied at an area indicated by signage. No plastic bags are to be left at the site. Biodegradable paper bags may be placed in an area indicated by signage.

(c) Only Yard Residuals shall be accepted at the Collection Facility. No other type of recyclable material, rubbish, trash, waste, municipal waste or garbage is accepted at the Collection Facility.

(d) Only residents of the Township of South Heidelberg may use the Collection Facility.

(e) Commercial Landscapers, Lawn Mowing Companies, and other similar entities are prohibited from using the Collection Facilities.

(f) The hours of operation of the Collection Facility shall be 8:00 a.m. through 8:00 p.m., Monday through Saturday, during the period of the year when Daylight Savings Time (“DST”) is in effect and 8:00 a.m. through 5:00 p.m., Monday through Saturday, during the period of the year when DST is not in effect. On Sunday throughout the year regardless of DST, the hours of operation for the Collection Facility shall be 1:00 p.m. through 5:00 p.m. The Collection Facility shall be closed on the legal holidays of New Years Day, Memorial Day, The Fourth of July, Labor Day, Thanksgiving, and Christmas Day.

(g) The Township shall have the power to adopt additional rules and regulations relating to this Ordinance and to the use of the Collection Facility by resolution enacted from time to time.

SECTION 5. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction, be subject to a penalty of not less than One Hundred Dollars (\$100.00) or more than Six Hundred Dollars (\$600.00) plus costs of prosecution. Each day of a violation shall constitute a separate offense.

SECTION 6. Severability. The provisions of this Ordinance are severable, and if any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not effect or impair the remaining provisions or parts thereof of this Ordinance.

SECTION 7. Repeal. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. Ordinance No. 190 (09/09/2004) of the Borough is hereby repealed.

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days from its date of enactment.

DULY ENACTED AND ORDAINED into law this 8th day of March, 2007 by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania.

BOARD OF SUPERVISORS OF SOUTH
HEIDELBERG TOWNSHIP, BERKS
COUNTY, PENNSYLVANIA

Richard E. Hummel
Richard E. Hummel, Chairman

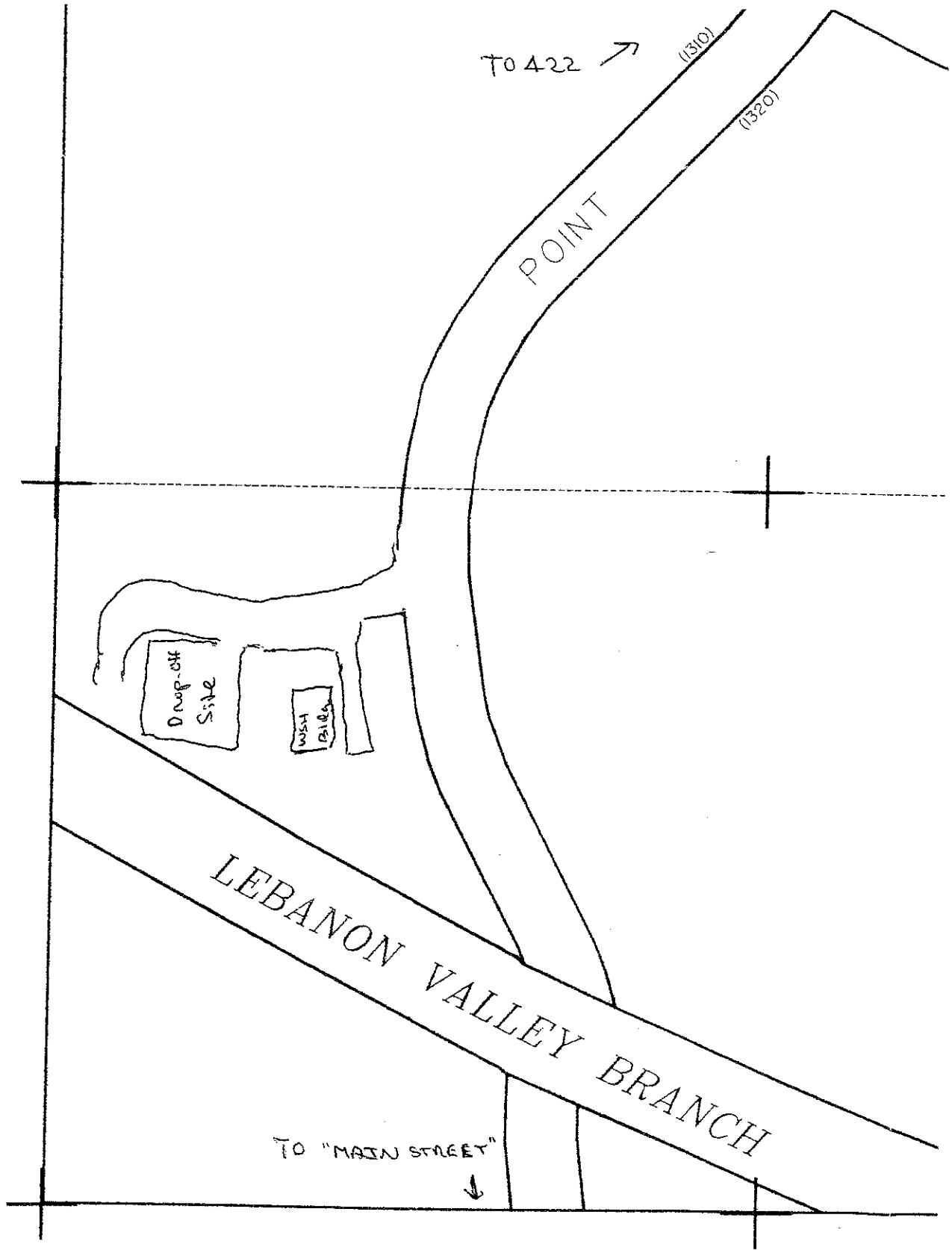
David A. Schaeffer
David A. Schaeffer, Supervisor

Dean M. Baim
Dean M. Baim, Supervisor

Attest:

David A. Schaeffer
Township Secretary

EXHIBIT "A"



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ORDINANCE NO. 190

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE DISPOSAL OF "YARD RESIDUALS"; DESIGNATING COLLECTION FACILITIES; ESTABLISHING REGULATIONS FOR THE USE THEREOF; AND ESTABLISHING PENALTIES FOR VIOLATION

WHEREAS, Section 304(a) of the Municipal Waste Planning, Recycling & Waste Reduction Act, Act 101 of July 28, 1988, P.L. No. 528 ("Act 101") provides that it is the duty of the Township of South Heidelberg to assure the proper and adequate collection and transportation of municipal waste generated within its boundaries.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED as follows:

SECTION 1. Title and Purpose. The short title of this Ordinance shall be "The Yard Residuals Collection Facility Ordinance", and the same may be cited in that manner. The purpose of this Ordinance is for the Township of South Heidelberg to provide collection facilities to the residents of the Township for Yard Residuals and regulate the use of such facilities.

SECTION 2. Definitions. Unless the context clearly indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

"Act 101" - The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, as now or hereafter amended.

"Collection Facility" - Township designated facility for the collection of Yard Residuals.

"Commercial Landscapers" - An individual, company or entity skilled in the development and decorative planting of gardens and grounds.

"Lawn Mowing Company" - An individual, company or entity in the business of mowing grass on lawns.

"Township" - The Township of South Heidelberg, Berks County, Commonwealth of Pennsylvania.

"Yard Residuals" - shall consist solely of grass clippings and woody materials such as tree limbs, shrubs, slashings and brush.

SECTION 3. Designation of Collection Facility. The Township hereby designates an area on Preston Road approximately one half mile east of the intersection of Preston Road and North Galen Hall Road as depicted as the cross hatched area on Exhibit "A" attached hereto and

made a part hereof, designated by signage, to provide for the collection of Yard Residuals.

SECTION 4. Regulations. Use of the Collection Facilities shall be governed by the following regulations:

(a) All Yard Residuals shall be deposited in a manner consistent with the regulations posted at the Collection Facility.

(b) Yard residuals hauled to the site in plastic bags must be emptied into the dumpsters, if any, or emptied at an area indicated by signage. No plastic bags are to be left at the site. Biodegradable paper bags may be placed in an area indicated by signage.

(c) Only Yard Residuals shall be accepted at the Collection Facility. No other type of recyclable material, rubbish, trash, waste, municipal waste or garbage is accepted at the Collection Facility.

(d) Only residents of the Township of South Heidelberg may use the Collection Facility.

(e) Commercial Landscapers, Lawn Mowing Companies, and other similar entities are prohibited from using the Collection Facilities.

(f) The hours of operation of the Collection Facility shall be 8:00 a.m. through 8:00 p.m. April 1 through October 31 and 8:00 a.m. through 5:00 p.m. November 1 through March 31. The Collection Facility shall be closed on Sundays and the legal holidays of New Years Day, Memorial Day, The Fourth of July, Labor Day, Thanksgiving, and Christmas Day.

(g) The Township shall have the power to adopt additional rules and regulations relating to this Ordinance and to the use of the Collection Facility by resolution enacted from time to time.

SECTION 5. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction, be subject to a penalty of not less than One Hundred Dollars (\$100.00) or more than Six Hundred Dollars (\$600.00) plus costs of prosecution. Each day of a violation shall constitute a separate offense.

SECTION 6. Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance within the Township is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect.

SECTION 7. Repeal. All ordinances or parts of ordinances of the Township which are inconsistent herewith are hereby repealed.

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days from its date of enactment.

DULY ENACTED AND ORDAINED into law this 9th day of September, 2004 by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania.

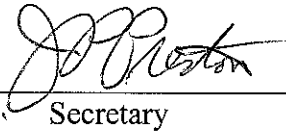
TOWNSHIP OF SOUTH HEIDELBERG
BOARD OF SUPERVISORS



David A. Schaff



Attest:


Secretary

