

ORDINANCE NO. 2009-01

AN ORDINANCE OF DOUGLASS TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 20, PART 2 OF THE DOUGLASS TOWNSHIP CODE OF ORDINANCES MANDATING THE COLLECTION AND DISPOSING OF WASTE GENERATED IN THE TOWNSHIP, RECYCLABLE MATERIALS MANAGEMENT, AND WASTE COLLECTION, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND IT IS HEREBY ENACTED by the Board of Supervisors of Douglass Township, that Chapter 20, Part 2 of the Douglass Township Code of Ordinances is hereby amended as follows:

SECTION 1. Part 2 of the Douglass Township Codes of Ordinances is hereby revised and amended to read as follows:

Section 201. Title. This Part shall be known and may be cited as the "Douglass Township Waste and Recyclable Materials Collection Ordinance".

Section 202. Legislative intent.

A. The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment. It is the intent of this chapter to promote, require and regulate recycling activities in the Township and to protect the health, safety and welfare of residents.

B. This Part has been developed to meet and implement municipal responsibilities established under Act 101.

C. The Township's adoption of this chapter does not preclude the future assignment of its responsibility as it relates to the coordination, regulation and/or enforcement of recycling activities. Such assignment of responsibilities will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling.

Section 203. Definitions.

BIMETAL CANS – Empty food or beverage containers constructed of a mixture of ferrous metal, usually tin or steel, and nonferrous metal, usually aluminum.

**CORRUGATED PAPER** – Paper products made of a stiff, moderately thick paper board, usually containing folds or alternating ridges, commonly known as “cardboard.”

**DEP** – The Pennsylvania Department of Environmental Protection.

**GLASS** – Products made from silica or sand, soda ash and limestone; the product may be transparent (clear) or colored (e.g. brown or green) and used as a container for packaging (e.g. jars) or bottling of various matter. Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

**GRASS CLIPPINGS** – The material bagged or raked during or after the cutting of a lawn, field or similar grassed area. Leaf waste which contains grass clippings shall be considered grass clippings.

**HIGH-GRADE OFFICE PAPER** – All type of white paper, bond paper and computer paper used in commercial institutional and municipal establishments and in residences.

**HOUSEHOLD HAZARDOUS WASTE** – Small quantities of hazardous waste (as defined in Act 97) available to a person or entity on a retail basis, such as pesticides, certain paints, aerosol cans and fertilizers.

**LEAF WASTE** – Leaves, garden residues, shrubbery, tree trimmings and similar material but does not include grass clippings.

**MAGAZINES and PERIODICALS** – Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.

**MIXED PAPER** – All types of paper combinations, such as colored paper, carbonless forms, ledger paper, paper envelopes, mixtures of high-grade office paper and the like.

**MUNICIPAL WASTE** – Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous materials, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in Act 97 from a municipal, commercial or institutional water supply treatment plan, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

**MUNICIPAL WASTE COLLECTOR(S)** – Any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials collecting or

transporting municipal waste and/or recyclable materials for owners or occupants of property in the municipality, including the municipality itself, if it undertakes the collection of municipal waste, and pursuant to any regulations that may be established by resolution and adopted pursuant hereto, and pursuant to any intermunicipal agreement that may be subsequently executed by the Township with the count or other municipalities. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

**NEWSPAPER** – Paper of the type commonly referred to as “newsprint” and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

**PERSON or ENTITY** – Any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal institution or agency, state institution or agency, other governmental agency, authority or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term “person” or “entity” shall mean the officers and directors of any corporation or other legal entity having officers and directors.

**PLASTIC CONTAINERS** – Empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations will stipulate the specified types of plastics that may be recycled.

**RECYCLABLE MATERIALS** – Materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to: clear glass, colored (brown or green) glass, aluminum, steel and bimetal cans, high-grade office paper, mixed paper, newspaper, corrugated paper and plastic containers.

**RESIDENT(S)** – Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties, which owns, leases or occupies a property located in the Township used as a residence and having curbside collection of municipal waste.

**TOWNSHIP** – Douglass Township, Montgomery County, Pennsylvania.

**WHITE GOODS** – Refrigerators, washing machines, clothes dryers, window air conditioners, hot water heaters and other major home appliances.

B. All terms not separately defined in this Part that are contained in Act 97 and Act 101 are incorporated herein by reference.

Section 204. Program responsibilities of Township.

A. In accordance with the responsibilities set forth in this Part, the Township is authorized to establish rules and regulations related to the separation, collection, processing and marketing of recyclable materials and to enforce all such rules and regulations. The Township shall determine the recyclable materials to be separated by a person or entity and collected by the municipal waste collector. The Township may modify the list of recyclable materials to be separated by a person or entity and collected by the municipal waste collector by means of a resolution.

B. The Township shall, in conjunction with the municipal waste collectors, be responsible for establishing an education program and together shall conduct and maintain a comprehensive public information program as follows:

(1) The Township shall include articles and information on recycling requirements and activities within regular newsletters or mailings to residents and businesses in the community.

(2) The municipal waste collectors shall, at least 30 days prior to the start of the recycling program and at least every six months thereafter, deliver or include with their invoices sent to customers, an information sheet on recycling. At the request of the municipal waste collectors, the Township will, as a service to the municipal waste collectors, provide facts relative to the requirements and operation of the recycling program that can be utilized in the aforementioned information sheet.

C. The municipal waste collectors shall be responsible for obtaining all weight and volume quantity data. Said data shall be supplied to the Township on a quarterly basis and fourth quarter data shall be supplied to the Township by January 15 for the preceding year, so that the Township may submit reports in accordance with Act 101 and other applicable laws and submit applications for recycling performance grants.

D. Each person or entity in the Township, as required by Act 101, shall be responsible for complying with the requirements of the Part for the separation of recyclable materials. This shall include tenants and lessees occupying rented and nonowned property.

E. Owners, landlords or agents of any leased or rented property other than single-family type homes or single-tenant-occupied property, shall be responsible for publicly posting educational information provided by the Township and/or municipal waste collectors, providing appropriate recyclable material collection containers and providing for pickup of such containers in accordance with this Part. Owners, landlords or agents of a leased or rented property occupied by a single tenant may assign such responsibility to the tenant or lessee occupying a property, in writing or through a lease or rental agreement.

F. In accordance with Section 150©(1)(iii) of Act 101, the Township shall exempt persons occupying commercial, institutional and municipal establishments

from the requirements of the Part if they have otherwise provided for the recycling of materials designated by this Part. To be eligible for this exemption, the commercial, institutional, or municipal waste generator must provide, on a quarterly basis, written documentation to the Township of the total quantity of each material recycled. Fourth quarter data shall be supplied to the Township by January 15 for the preceding year.

**Section 205. Responsibilities of municipal waste collectors.**

A. The collection equipment and transportation vehicles used for the collection of municipal waste within the Township shall be of the closed-body type with an automatic compactor unit and said collection equipment and transportation vehicles shall be labeled to indicate the name of the municipal waste collector and shall further indicate that the vehicle is transporting municipal waste or recyclable materials. Said vehicles shall at all times be in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquid or fluids. Other type vehicles may be used only for the collection of recyclable materials and white goods, provided such items are separately collected in accordance with regulations established by the Board of Supervisors of the Township in a resolution. The municipal waste and recyclables so collected shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vermin or creation of other nuisances. The collection equipment and transportation vehicles shall be kept in a clean and sanitary condition.

B. Each person or entity interested in becoming a municipal waste collector must provide certificates of insurance covering public liability for both bodily injury and property damage, owners' and contractors' protective insurance and automobile insurance with respect to personal injuries and property damage at the request of the Township. Such insurance shall be in amounts set forth in §128-5 of the Solid Waste Management Ordinance.<sup>1</sup>

C. The municipal waste collector shall be licensed and shall have entered into a contract for the collection of municipal waste and recyclables with the Township in accordance with Part 1 of Chapter 20 of the Douglass Township Code of Ordinances.

D. The collector shall be responsible for the bulk ordering and purchasing of recycling containers for residents. One recycling container shall be provided for each residential unit (with the possible exception of one container to serve two or more multifamily residential units) in the Township. Residents may use recycling containers other than those obtained from the collector, provided said recycling containers are appropriately labeled or otherwise identified as containers for recyclable materials.

E. Each municipal waste collector shall be responsible for complying

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<sup>1</sup> Editor's Note: See Ch. 128, Solid Waste Management.

with the requirements of this Part for the collection, processing and marketing of recyclable materials.

### Section 206. Responsibility of Residence and Property Owners

A. General. It shall be the duty of every owner of property and every person occupying a dwelling unit, premise, or place of business within the Township where municipal waste is generated and accumulated, by his/her own expense and cost, except as otherwise specified in this Part to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector and to insure the sanitary and legal disposal of such waste in accordance with this Part and all other Township, state, and federal applicable laws and regulations. It is mandatory that all waste generated within this municipality be disposed of or recycled as provided in this Part.

B. Storage on residential property.

(1) All municipal waste accumulated by owners of residential property and/or the occupants of residential properties shall be placed in bags purchased from the Township for collection by a licensed collector.

(2) The solid waste for commercial, institutional, and multifamily residential properties having more than four units shall be by special arrangements with an authorized collector so that all trash, rubbish and garbage is disposed of in accordance with Part 1 and all recyclables are collected in accordance with this Part.

C. Authorized collectors. It shall be unlawful for any person or corporation, other than persons or corporations registered with the Township or licensed by the Commonwealth of Pennsylvania, to collect and/or transport solid waste of any nature as a regular hauling business within or from the Township. If the Township decides to enter into an exclusive contract for the collection of residential municipal waste in the Township, said contractor shall be required to collect municipal waste in the Township exclusive of other private haulers and collectors subject to exceptions to the exclusive Township contract.

D. Transportation of solid waste. Any person transporting solid waste within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste. The vehicles used to transport or convey solid waste shall be leakproof and enclosed to the extent necessary to ensure no loss or spilling of waste from the vehicles. Pickup trucks shall not be permitted to transport solid waste under any circumstance. The Township shall have authority to inspect the vehicles used for the transport of solid waste, as it deems necessary. A sticker for each registered vehicle shall be provided by the Township and displayed on both sides of the vehicle. The name and/or company logo of the owner of the vehicle shall also be displayed on both sides of the vehicle.

E. Disposal of municipal waste. All municipal waste produced, collected, and transported from within the jurisdictional limits of the Township shall be disposed of at a landfill or other disposal facility licensed or permitted by the Commonwealth of Pennsylvania Department of Environmental Protection or other state government. However, the Township reserves the right to designate a state-permitted facility of its choice and require that all municipal waste generated in the Township be disposed of at this designated facility. If the Township designates a disposal facility as provided for above, all authorized collectors or collectors operating under contract with the Township for collection of municipal waste shall be informed by the Township of the location, regulations and other information pertaining to the designated disposal facility. The Township reserves the right to make inspections of authorized collectors to insure that waste generated within the Township is being disposed of in an authorized or designated facility and to limit the use of a designated facility only to waste generated within the Township. Any authorized collector found to be in violation of this section shall be prohibited from collecting or hauling municipal waste in the Township.

F. Unlawful deposition of municipal waste. It shall be unlawful for any person to deposit for collection any solid waste including bulky items not generated at the address from which collection is made or to bring any solid waste into the Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.

G. Construction and demolition waste. All waste materials resulting from the building, structural alteration, repair, construction, or demolition of buildings or structures shall be disposed of as permitted by the regulations of the State Department of Environmental Protection or by pertinent ordinances or regulations of the Township. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations.

#### H. Exclusions.

(1) Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular or unscheduled basis to a state permitted disposal facility or to the disposal facility as designated by the Township in accordance with the regulations of the disposal facility.

(2) Nothing contained herein shall prohibit a farmer from carrying out normal farming operations, including composting or the spreading of manure or other farm-produced agricultural waste, not otherwise prohibited or regulated for land application.

(3) The provisions of this article do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply; therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act and its amendments. All hazardous or residual waste must be

disposed of in compliance with applicable state and federal laws and regulations.

**Section 207. Delegation of program responsibilities by Township.**

Nothing in this Part shall prohibit the Township from assigning a portion or all of its responsibilities under Act 101 and this Part to another entity. Such assignment of responsibility will be accomplished in accordance with Section 304(c) of Act 101 and would require the Township to enter into a written agreement with the entity accepting such responsibilities. However, under no circumstances will the Township relinquish its right to select the methodology for conducting recycling, municipal waste collector subscription service to individual customers, franchising or bidding of municipal waste collector services on a partial or community-wide basis, or municipal waste collector services provided by a municipality.

**Section 208. Designation of recyclable materials.**

A. Every resident of the Township shall be required to separate, at a minimum, newspaper, aluminum, clear glass, colored glass, bimetal cans and plastic products identified with either a No. 1 or a No. 2 for recycling. Commercial, municipal and institutional establishments shall be required to separate, at a minimum, high-grade office paper and corrugated paper from municipal waste in addition to aluminum. The Township may require that residents and commercial, municipal and institutional establishments separate other recyclable materials by regulations established by resolution of the Board of Supervisors.

B. Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law. Provisions for the collection or use of leaf waste shall be the responsibility of the municipal waste collectors as more fully set forth in Section 212.

C. All occupants of single-family homes, townhomes, rowhouse-type residences and all other dwellings where individual municipal waste collection occurs shall maintain a separate container of the type specified or provided by the Township or municipal waste collector to collect all designated recyclable materials in a commingled or modified commingled (e.g. different materials separated into brown paper bags and placed in the container) fashion, as established by the municipal waste collector. No municipal waste or recyclable material container shall be placed at the curb or in the front yard of any resident's property except during the period beginning at noon on the day prior to the day of scheduled collection, and the empty container shall be removed by 12:00 midnight on the day of scheduled collection. Newspapers may also be placed in brown paper, grocery store bags or bundled and tied, both across and lengthwise, with rope or cord and kept dry prior to collection, and placed at curbside with the recycling container. Municipal waste placed at the curb or street line for collection must be in closed, waterproof containers.

D. Owners or landlords of any multifamily residential units, such as



apartments or condominiums where individual residential refuse collection does not occur, shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector, and source-separated or commingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations, and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multifamily residential units who comply with the requirements of this section shall not be liable for the noncompliance of any person or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multifamily residential units shall be responsible for separating recyclable materials and placing them in the containers or dumpsters provided for such purposes.

E. Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements in Subsection D. hereof unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property. Such assignment may only occur, however, where a single tenant occupies the entire lease or rented property.

#### **Section 209. Collection of recyclable materials.**

A. The municipal waste collector shall, in providing refuse collection and disposal services to a single-family residential home, also provide for the collection of recyclable materials. Where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection. Customers using once a month municipal waste collection must have recyclable materials collected at least once a month. Where a customer's designated day for the collection of recyclable materials falls on a holiday, the municipal waste collector shall collect recyclable materials on another day and shall notify those customers affected of that change. On January 30 of each year, the municipal waste collector shall provide proof to the Township that the collection of recyclable materials by it can be undertaken in accordance with the requirements of this Part.

B. The collection of recyclable materials for all establishments, other than single-family residential homes, shall be on an as-required basis.

C. No municipal waste collector shall be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.

#### **Section 210. Processing and marketing of recyclable materials.**

A. The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials. Such activities may be conducted by the municipal waste collector or any agent thereof or a private entity conducting such business, a nonprofit entity able to undertake such effort or any governmentally owned or operated facility capable of such functions.

B. The municipal waste collector shall, prior to initiating processing and marketing activities, provide the Township with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. Any such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.

C. The municipal waste collector shall, as part of its recording activities, provide a detailed listing of where the recyclable materials are sold or deposited and the weighs of each of the recyclable materials so delivered. The municipal waste collector shall, upon request, provide the Township with copies of applicable licenses or permits of the ultimate facility(ies) to which the recyclable materials will be delivered.

**Section 211. Ownership of recyclable materials and municipal waste.**

A. All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in Section 211.

B. It shall be a violation of this Part for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in Section 211. Each unauthorized collection from one or more designated locations on one calendar day in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

**Section 212. Alternate recycling activities.**

A. Recyclable materials may be donated or sold to any person or entity, whether operating for profit or not, provided that the recycler shall not utilize alternate recycling methods without prior written permission from the Township. Such materials must be delivered to the alternate recycling site or arrangements made with the alternate collector to pick up the recyclable materials at a time that will not interfere with the operations of the municipal waste collector. Each person or entity accepting recycled materials under this section must provide quarterly written documentation to the Township of the total quantity of each material recycled.

B. The Township shall permit an alternative recycling program to be developed in accordance with Section 1501(h) of Act 101 if the requirements of that section can be complied with. The Township shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide quarterly written documentation to the Township of the total quantity of each material recycled.

### **Section 213. Handling of leaf waste.**

A. The Township 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 the event leaf waste is not collected curbside at least once a month, the leaf waste program shall be augmented by designation of a drop-off compost facility for haulers and residents to utilize which must be open at least once per month for leaf waste which is generated between scheduled collections.

B. Leaf waste collection shall be conducted by the Township or private municipal waste collector 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 Township 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 any other municipal solid waste. The disposal of leaf waste at a sanitary landfill, waste-to-energy facility or any other noncomposting facility is strictly prohibited.

D. The methodology for separating and collecting leaf waste shall be established by the Township and implemented by the Township and communicated to participating private municipal waste collectors. The leaf waste collection guidelines set forth in this section are intended to be general in nature. The actual leaf waste collection and education program shall be established in more detail by the Township and is subject to modification as needed from time to time, provided any modifications to the program comply with this section 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 214. Recordkeeping.**

A. All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the Township. The records shall include the weight of the total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the commingled recyclable materials shall also be provided. Written reports shall be provided to the Township on reporting forms provided by the Township and shall include the name and location of the processing center and/or recyclable materials dealer and the weights of each of the recyclable materials delivered to such center and/or dealer and shall be submitted in accordance with the time schedules established in this Part.

B. Leaf waste quantities shall be recorded by the municipal waste

collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation of the total quantity of leaf waste collected must be provided to the Township by January 31 of each year for materials collected in the preceding calendar year.

C. Except as noted in Section 211A and B and Subsection B hereof, all records shall be provided to the Township on a quarterly basis in typewritten tabular form and shall be due within 30 days after the end of each calendar quarter.

**Section 215. Enforcement and violations of penalties.**

A. 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 regarding the separation of recyclable materials with written notice for the first offense and also provide the Township with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this section and collect municipal waste containing recyclable materials or leaf waste from a person or entity who has previously been notified by the Township and/or municipal waste collector of noncompliance shall receive an official warning for the first offense. The municipal waste collector shall, for subsequent offenses within a two-year period of the warning, be liable to a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

B. Any person or entity who shall violate the provisions outlined herein regarding the unauthorized collection of recyclable materials shall be liable for payments of a civil fine in accordance with regulations established by the Board of Supervisors of the Township by resolution.

C. Any person or entity who shall violate the provisions outlined herein regarding the separation of recyclable materials shall receive an official written warning of noncompliance from the Township for the first offense. Thereafter, all such violators of the provisions of this Part shall, upon being adjudged guilty of violating any section of this Part before a District Justice having jurisdiction within said Township, shall be sentenced in a summary proceeding to pay a fine of no less than \$50 nor more than \$300 to the use of the municipality to the Township, with costs of prosecution or to be imprisoned for a period of not more than ninety (90) days or both.

D. Each violation for each separate day and each violation of any provision or unlawful conduct shall constitute a separate offense.

**Section 216. Interpretation.**

This Part shall be construed under the laws of the Commonwealth.

**Section 217. Modifications.**

The Township may, from time to time, modify the regulations it adopted in accordance with this Part or make modifications to this Part by resolution duly adopted by the Board of Supervisors.

**Section 218. Implementation by waste collectors.**

Municipal waste collectors shall take the necessary steps to implement the collection of recyclable materials upon the effective date of this Part.

**SECTION 2. Severability.** If any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, phrases, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Douglass Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, term, phrase or part thereof not been included herein.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective five (5) days after the date of adoption.

ENACTED and ADOPTED this 5 day of January, 2008 <sup>9<sup>th</sup></sup>

by the Board of Supervisors of Douglass Township, Montgomery County, Pennsylvania to be effective within five (5) days hereof.

BOARD OF SUPERVISORS OF  
DOUGLASS TOWNSHIP

Attest:

Paul J. [Signature] TWP Clerk

[Signature]  
Timothy Turner

[Signature]  
Gregory Lignelli

[Signature]  
Frederick Ziegler  
CHAIRMAN